Land Acquisition (Mines) Act, XVIII of 1885

PREFACE

This Manual is a reprint of the Bengal Land Acquisition Manual, 1917, Part I, with such additions and alterations as have been introduced up to date through circular orders and correction slips. It supersedes the Manual of 1917 and should henceforth be referred to as "The West Bengal Land Acquisition Manual, 1951, Part I".

2. The Land Acquisition Act, I of 1894, and the Land Acquisition (Mines) Act, XVIII of 1885, as embodied in the old Manual, did not contain several amendments and adaptations made since 1920. These have been incorporated in the two Acts in the present volume and references to the relevant orders and enactments have been inserted in the foot-notes.

3. Government have found it desirable to introduce some new instructions clarifying certain principles of law and procedure in the following matters, viz.—

(*i*) acquisition of land for the Central Government under the Constitution of India,

(*ii*) acquisition of land for companies, including societies registered under the Societies Registration Act, 1860,

(*iii*) cancellation of preliminary reconnaissance notification under section 4 of Act I of 1894 when published in Form 2 or 2A,

(*iv*) determination of market value of land when two notifications under the said section 4 are published one in Form 2 or 2A and the other in Form 3 or 3A,

(*v*) restoration of lands to the owners when possession has been taken but the acquisition proceedings have not been completed,

(*vi*) award of compensation to a municipal authority for loss due to arrears of municipal taxes in respect of premises acquired within the municipal area,

(*vii*) recovery of establishment charges and capitalised value of land revenue from the Central Government as well as from private institutions in certain cases,

(*viii*) service of special notice to the Commissioner of Wakfs when any wakf property is acquired, and

(*ix*) award and payment of compensation where the amount of interest provided for in a sanctioned land acquisition estimate falls short of the actual requirement.

4. Government have further introduced three new forms (Forms Nos. 1B, 1C and 1D) in the Manual, the first two to be used as standard forms for deeds of agreement and transfer relating to the acquisition of land for industrial concerns and the third as form of license to be executed by private institutions in favour of the local bodies acquiring lands in their behalf. Form No. 37 has also been revised.

5. Errors and omissions in the Manual should be brought to the notice of Government in the Department of Land and Land Revenue.

6. Corrigenda and addenda slips issued in future should be carefully inserted in their proper places.

S. BANERJEE,

Member, Board of Revenue and
Secretary (ex officio),
Government of West Bengal.

DEPARTMENT OF LAND AND LAND REVENUE,

GOVERNMENT OF WEST BENGAL;

The 28th December, 1951.

TABLE OF CONTENTS.

(Summary.)

	Page
Act I of 1894, The Land Acquisition Act	1
Act XVIII of 1885, The Land Acquisition (Mines) Act	21
Statutory Rules issued under section 55 of Act I of 1894	31
Notification issued by the Central Government entrusting to the Government of West Bengal their functions under Act I of 1894, in relation to acquisition of land for the purposes of the Union	37
Executive instructions by the Government of West Bengal (*see* page 41 for Chapter Heading)	39
Forms	122
Appendices (*see* page 179 for Contents)	193
Index.	

CONTENTS.

PART I.

Preliminary.

SECTIONS.

1. Short title, extent and commencement.
2. [Repealed.]
3. Definitions.

PART II.

Acquisition.

Preliminary Investigation.

4. Publication of preliminary notification, and powers of officers thereupon.
5. Payment for damage.

Objections.

5A. Hearing objections.

Declaration of Intended Acquisition.

6. Declaration that land is required for a public purpose.
7. After declaration Collector to take order for acquisition.
8. Land to be marked out, measured and planned.
9. Notice to persons interested.
10. Power to require and enforce the making of statements as to names and interests.

Enquiry into Measurements, Value and Claims, and Award by the Collector.

11. Enquiry and award by Collector.
12. Award of Collector when to be final.
13. Adjournment of enquiry.
14. Power to summon and enforce attendance of witnesses and production of documents.
15. Matters to be considered and neglected.

Taking Possession.

16. Power to take possession.
17. Special powers in cases of urgency.

PART III.

Reference to Court and Procedure thereon.

18. Reference to Court.
19. Collector's statement to the Court.
20. Service of notice.

SECTIONS—*contd.*

21. Restriction on scope of proceedings.

22. Proceedings to be in open Court.

23. Matters to be considered in determining compensation.

24. Matters to be neglected in determining compensation.

25. Rules as to amount of compensation.

26. Form of awards.

27. Costs.

28. Collector may be directed to pay interest on excess compensation.

PART IV.

Apportionment of Compensation.

29. Particulars of apportionment to be specified.

30. Dispute as to apportionment.

PART V.

Payment.

31. Payment of compensation or deposit of same in Court.

32. Investment of money deposited in respect of lands belonging to persons incompetent to alienate.

33. Investment of money deposited in other cases.

34. Payment of interest.

PART VI.

Temporary Occupation of Land.

35. Temporary occupation of waste or arable land. Procedure when difference as to compensation exists.

36. Power to enter and take possession, and compensation on restoration.

37. Difference as to condition of land.

PART VII.

Acquisition of Land for Companies.

38. Company may be authorised to enter and survey.

38A. Industrial concern to be deemed company for certain purposes.

39. Previous consent of appropriate Government and execution of agreement necessary.

40. Previous enquiry.

41. Agreement with appropriate Government.

42. Publication of agreement.

43. Sections 39 to 42 not to apply where Government bound by agreement to provide land for Companies.

44. How agreement with Railway Company may be proved.

PART VIII.

Miscellaneous.

SECTIONS—*concld.*

45. Service of notices.

46. Penalty for obstructing acquisition of land.

47. Magistrate to enforce surrender.

48. Completion of acquisition not compulsory, but compensation to be awarded when not completed.

49. Acquisition of part of house or building.

50. Acquisition of land at cost of a local authority or Company.

51. Exemption from stamp-duty and fees.

52. Notice in case of suits for anything done in pursuance of Act.

53. Code of Civil Procedure to apply to proceedings before Court.

54. Appeals in proceedings before Court.

55. Power to make rules.

Land Acquisition Act I of 1894

WEST BENGAL SECRETARIAT LIBRARY

ACT No. I OF 1894.

Passed by the Governor-General of India in Council.

(Received the assent of the Governor-General on the 2nd February, 1894.)

An Act to amend the law for the acquisition of land for public purposes and for Companies.

WHEREAS it is expedient to amend the law for the acquistion of land needed for public purposes and for Companies, and for determining the amount of compensation to be made on account of such acquisition; it is hereby enacted as follows:— **Preamble.**

PART I.

Preliminary.

1. (*1*) This Act may be called the Land Acquisition Act, 1894. **Short title, extent and commencement.**

(*2*) It extends to [1][the whole of India except Part B States]; and

(*3*) It shall come into force on the first day of March, 1894.

2. [Saving.] Repealed partly by the Repealing and Amending Act, 1914 (X of 1914), s. 3 and Sch. II, and partly by the Repealing Act, 1938 (I of 1938), s. 2 and Sch.

3. In this Act, unless there is something repugnant in the subject or context,— **Definitions.**

(*a*) the expression "land" includes benefits to arise out of land, and things attached to the earth or permanently fastened to anything attached to the earth:

(*b*) the expression "person interested" includes all persons claiming an interest in compensation to be made on account of the acquisition of land under this Act; and a person shall be deemed to be interested in land if he is interested in an easement affecting the land:

---

[1]By the Indian Independence (Adaptation of Central Acts and Ordinances) Order, 1948, the words "the whole of British India" were replaced by the words "all the provinces of India" and these latter words again were substituted by the words "the whole of India except part B States" by means of the Adaptation of Laws Order, 1950.

(*c*) the expression "Collector" means the Collector of a district, and includes a Deputy Commissioner and any officer specially appointed by the [1][appropriate Government] to perform the functions of a Collector under this Act:

(*d*) the expression "Court" means a principal Civil Court of original jurisdiction, and includes the Court of any Additional Judge, Subordinate Judge or Munsif whom the *[Local Government] may appoint, by name or by virtue of his office, to perform, concurrently with any such principal Civil Court, all or any of the functions of the Court under this Act within any specified local limits and, in the case of a Munsif, up to the limits of the pecuniary jurisdiction with which he is vested under section 19 of the Bengal, Agra and Assam Civil Courts Act, 1887:** XII of 1887.

(*e*) the expression "Company" means a Company registered under the Indian Companies Act, 1882, or under the (English) Companies Acts, 1862 to 1890, or incorporated by an Act of Parliament [2][of the United Kingdom] or by an Indian law, or by Royal Charter or Letters Patent and includes a society registered under the Societies Registration Act, 1860, and a registered society within the meaning of the Co-operative Societies Act, 1912:† VI of 1882. (See now Act 7 of 1913.) XXI of 1860. II of 1912.

[3][(*ee*) the expression "appropriate Government" means, in relation to acquisition of land for the purposes of the Union, the Central Government, and, in relation to acquisition of land for any other purposes, the State Government:]

(*f*) the expression "public purpose" includes the provision of village-sites in districts in which the [1][appropriate Government] shall have declared by notification in the official Gazette that it is customary for the Government to make such provision: and

---

[1]By the Government of India (Adaptation of Indian Laws) Order, 1937, the words "Local Government" were replaced by the words "Provincial Government" and these latter words again were substituted by the words "appropriate Government" by the Adaptation of Laws Order, 1950.

[2]These words were inserted by the Adaptation of Laws Order, 1950.

[3]This clause was added by the Adaptation of Laws Order, 1950.

*Those words are now to be construed to mean the State Government under the Adaptation of Laws Order, 1950.

**The Land Acquisition (Bengal Amendment) Act II of 1934 substituted this clause for the corresponding clause in the original Act, which reads as follows:—

(*d*) The expression "Court" means a principal Civil Court of original jurisdiction, unless the [appropriate Government] has appointed (as it is hereby empowered to do) a special judicial officer within any specified local limits to perform the functions of the Court under this Act.

†Land Acquisition (Amendment) Act XVII of 1919.

(*g*) the following persons shall be deemed persons "entitled to act" as and to the extent hereinafter provided (that is to say)—

trustees for other persons beneficially interested shall be deemed the persons entitled to act with reference to any such case, and that to the same extent as the persons beneficially interested could have acted if free from disability:

a married woman, in cases to which the English law is applicable, shall be deemed the person so entitled to act, and, whether of full age or not, to the same extent as if she were unmarried and of full age: and

the guardians of minors and the committees or managers of lunatics or idiots shall be deemed respectively the persons so entitled to act, to the same extent as the minors, lunatics or idiots themselves, if free from disability, could have acted:

Provided that—

(*i*) no person shall be deemed "entitled to act" whose interest in the subject-matter shall be shown to the satisfaction of the Collector or Court to be adverse to the interest of the person interested for whom he would otherwise be entitled to act;

(*ii*) in every such case the person interested may appear by a next friend, or in default of his appearance by a next friend, the Collector or Court, as the case may be, shall appoint a guardian for the case to act on his behalf in the conduct thereof;

XIV of 1882. (See now Act 5 of 1908.)

(*iii*) the provisions of Chapter XXXI of the Code of Civil Procedure shall, *mutatis mutandis*, apply in the case of persons interested appearing before a Collector or Court by a next friend, or by a guardian for the case, in proceedings under this Act; and

(*iv*) no person "entitled to act" shall be competent to receive the compensation-money payable to the person for whom he is entitled to act, unless he would have been competent to alienate the land and receive and give a good discharge for the purchase-money on a voluntary sale.

PART II.

Acquisition.

Preliminary Investigation.

Publication of preliminary notification, and powers of officers thereupon.

4. (*1*) Whenever it appears to the [1][appropriate Government] that land in any locality is needed or is likely to be needed for any public purpose, a notification to that effect shall be published in the official Gazette, and the Collector shall cause public notice of the substance of such notification to be given at convenient places in the said locality.

(*2*) Thereupon it shall be lawful for any officer, either generally or specially authorised by such Government in this behalf, and for his servants and workmen,—

to enter upon and survey and take levels of any land in such locality;

to dig or bore into the subsoil;

to do all other acts necessary to ascertain whether the land is adapted for such purpose;

to set out the boundaries of the land proposed to be taken and the intended line of the work (if any) proposed to be made thereon;

to mark such levels, boundaries and line by placing marks and cutting trenches;

and, where otherwise the survey cannot be completed and the levels taken and the boundaries and line marked, to cut down and clear away any part of any standing crop, fence or jungle:

Provided that no person shall enter into any building or upon any enclosed court or garden attached to a dwelling-house (unless with the consent of the occupier thereof) without previously giving such occupier at least seven days' notice in writing of his intention to do so.

Payment for damage.

5. The officer so authorized shall at the time of such entry pay or tender payment for all necessary damage to be done as aforesaid, and, in case of dispute as to the sufficiency of the amount so paid or tendered, he shall at once refer the dispute to the decision of the Collector or other chief revenue-officer of the district, and such decision shall be final.

Objections.

Hearing objections.

5A. (*1*) Any person interested in any land which has been notified under section 4, sub-section (*1*), as being needed or likely to be needed for a public purpose or for a Company may, within thirty days after the

[1]*Vide* foot-note 1 at page 2.

issue of the notification, object to the acquisition of the land or of any land in the locality, as the case may be.

(2) Every objection under sub-section (1) shall be made to the Collector in writing, and the Collector shall give the objector an opportunity of being heard either in person or by pleader and shall, after hearing all such objections and after making such further enquiry, if any, as he thinks necessary, submit the case for the decision of the [1][appropriate Government] together with the record of the proceedings held by him and a report containing his recommendations on the objections. The decision of the [1][appropriate Government] on the objections shall be final.

(3) For the purposes of this section, a person shall be deemed to be interested in land who would be entitled to claim an interest in compensation if the land were acquired under this Act.

Declaration of Intended Acquisition.

Declaration that land is required for a public purpose.

6. (1) Subject to the provisions of Part VII of this Act, when the [1][appropriate Government] is satisfied, after considering the report, if any, made under section 5A, sub-section (2), that any particular land is needed for a public purpose, or for a Company, a declaration shall be made to that effect under the signature of a Secretary to such Government or of some officer duly authorized to certify its orders:

Provided that no such declaration shall be made unless the compensation to be awarded for such property is to be paid by a Company, or wholly or partly out of public revenues or some fund controlled or managed by a local authority.

(2) The declaration shall be published in the official Gazette, and shall state the district or other territorial division in which the land is situate, the purpose for which it is needed, its approximate area, and, where a plan shall have been made of the land, the place where such plan may be inspected.

(3) The said declaration shall be conclusive evidence that the land is needed for a public purpose or for a Company, as the case may be; and, after making such declaration, the [1][appropriate Government] may acquire the land in manner hereinafter appearing.

After declaration Collector to take order for acquisition.

7. Whenever any land shall have been so declared to be needed for a public purpose, or for a Company, the [1][appropriate Government], or some officer authorized by the [1][appropriate Government] in this behalf, shall direct the Collector to take order for the acquisition of the land.

Land to be marked out, measured and planned.

8. The Collector shall thereupon cause the land (unless it has been already marked out under section 4) to be marked out. He shall also cause it to be measured,

[1] *Vide* foot-note 1 at page 2.

and if no plan has been made thereof, a plan to be made of the same.

Notice to persons interested.

9. (*1*) The Collector shall then cause public notice to be given at convenient places on or near the land to be taken, stating that the Government intends to take possession of the land, and that claims to compensation for all interests in such land may be made to him.

(*2*) Such notice shall state the particulars of the land so needed, and shall require all persons interested in the land to appear personally or by agent before the Collector at a time and place therein mentioned (such time not being earlier than fifteen days after the date of publication of the notice), and to state the nature of their respective interests in the land and the amount and particulars of their claims to compensation for such interests, and their objections (if any) to the measurements made under section 8. The Collector may in any case require such statement to be made in writing and signed by the party or his agent.

(*3*) The Collector shall also serve notice to the same effect on the occupier (if any) of such land and on all such persons known or believed to be interested therein, or to be entitled to act for persons so interested, as reside or have agents authorized to receive service on their behalf, within the revenue district in which the land is situate.

(*4*) In case any person so interested resides elsewhere, and has no such agent, the notice shall be sent to him by post in a letter addressed to him at his last known residence, address or place of business and registered under Part III of the Indian Post Office Act, 1866. XIV of 1866. (See now Act 6 of 1898.)

Power to require and enforce the making of statements as to names and interests.

10. (*1*) The Collector may also require any such person to make or deliver to him, at a time and place mentioned (such time not being earlier than fifteen days after the date of the requisition), a statement containing, so far as may be practicable, the name of every other person possessing any interest in the land or any part thereof as co-proprietor, sub-proprietor, mortgagee, tenant or otherwise, and of the nature of such interest, and of the rents and profits (if any) received or receivable on account thereof for three years next preceding the date of the statement.

(*2*) Every person required to make or deliver a statement under this section or section 9 shall be deemed to be legally bound to do so within the meaning of sections 175 and 176 of the Indian Penal Code. XLV of 1860.

Enquiry into Measurements, Value and Claims, and Award by the Collector.

Enquiry and award by Collector.

11. On the day so fixed, or on any other day to which the enquiry has been adjourned, the Collector shall proceed to enquire into the objections (if any) which any person interested has stated pursuant to a notice given under section 9 to the measurements made under section 8, and into the value of the land, at the date of the

publication of the notification under section 4, sub-section (*1*), and into the respective interests of the persons claiming the compensation and shall make an award under his hand of—

(*i*) the true area of the land;

(*ii*) the compensation which in his opinion should be allowed for the land; and

(*iii*) the apportionment of the said compensation among all the persons known or believed to be interested in the land, of whom, or of whose claims, he has information, whether or not they have respectively appeared before him.

Award of Collector when to be final.

12. (*1*) Such award shall be filed in the Collector's office and shall, except as hereinafter provided, be final and conclusive evidence, as between the Collector and the persons interested, whether they have respectively appeared before the Collector or not, of the true area and value of the land, and the apportionment of the compensation among the persons interested.

(*2*) The Collector shall give immediate notice of his award to such of the persons interested as are not present personally or by their representatives when the award is made.

Adjournment of enquiry.

13. The Collector may, for any cause he thinks fit, from time to time adjourn the enquiry to a day to be fixed by him.

Power to summon and enforce attendance of witnesses and production of documents.

14. For the purpose of enquiries under this Act the Collector shall have power to summon and enforce the attendance of witnesses, including the parties interested or any of them, and to compel the production of documents by the same means, and (so far as may be) in the same manner, as is provided in the case of a Civil Court under the Code of Civil Procedure.

XIV of 1882. (See now Act 5 of 1908.)

Matters to be considered and neglected.

15. In determining the amount of compensation, the Collector shall be guided by the provisions contained in sections 23 and 24.

Taking Possession.

Power to take possession.

16. When the Collector has made an award under section 11, he may take possession of the land, which shall thereupon vest absolutely in the [1][Government], free from all encumbrances.

Special powers in cases of urgency.

17. (*1*) In cases of urgency, whenever the [2][appropriate Government] so directs, the Collector, though no such award has been made, may, on the expiration of fifteen days from the publication of the notice mentioned in section 9, sub-section (*1*), take possession of any

[1]The word "Government" was substituted for the word "Crown" by the Adaptation of Laws Order, 1950.

[2]*Vide* foot-note 1 at page 2.

waste or arable land needed for public purposes or for a Company. Such land shall thereupon vest absolutely in the [1][Government], free from all encumbrances.

(*2*) Whenever, owing to any sudden change in the channel of any navigable river or other unforeseen emergency, it becomes necessary for any Railway Administration to acquire the immediate possession of any land for the maintenance of their traffic or for the purpose of making thereon a river-side or ghat station, or of providing convenient connection with or access to any such station, the Collector may, immediately after the publication of the notice mentioned in sub-section (*1*) and with the previous sanction of the [2][appropriate Government], enter upon and take possession of such land, which shall thereupon vest absolutely in the [1][Government], free from all encumbrances:

Provided that the Collector shall not take possession of any building or part of a building under this sub-section without giving to the occupier thereof at least forty-eight hours' notice of his intention so to do, or such longer notice as may be reasonably sufficient to enable such occupier to remove his movable property from such building without unnecessary inconvenience.

(*3*) In every case under either of the preceding sub-sections the Collector shall at the time of taking possession offer to the persons interested compensation for the standing crops and trees (if any) on such land and for any other damage sustained by them caused by such sudden dispossession and not excepted in section 24; and, in case such offer is not accepted, the value of such crops and trees and the amount of such other damage shall be allowed for in awarding compensation for the land under the provisions herein contained.

(*4*) In the case of any land to which in the opinion of the [2][appropriate Government], the provisions of sub-section (*1*) or sub-section (*2*) are applicable, the [2][appropriate Government] may direct that the provisions of section 5A shall not apply, and, if it does so direct, a declaration may be made under section 6 in respect of the land at any time after the publication of the notification under section 4, sub-section (*1*).

PART III.

Reference to Court and Procedure thereon.

Reference to Court.

18. (*1*) Any person interested who has not accepted the award may, by written application to the Collector, require that the matter be referred by the Collector for the determination of the Court, whether his objection be to the measurement of the land, the amount of the compensation, the persons to whom it is payable, or the apportionment of the compensation among the persons interested.

---

[1] *Vide* foot-note 1 at page 7.
[2] *Vide* foot-note 1 at page 2.

(2) The application shall state the grounds on which objection to the award is taken:

Provided that every such application shall be made,—

(a) if the person making it was present or represented before the Collector at the time when he made his award, within six weeks from the date of the Collector's award;

(b) in other cases, within six weeks of the receipt of the notice from the Collector under section 12, sub-section (2), or within six months from the date of the Collector's award, whichever period shall first expire.

Collector's statement to the Court.

19. (1) In making the reference, the Collector shall state, for the information of the Court, in writing under his hand,—

(a) the situation and extent of the land, with particulars of any trees, buildings or standing crops thereon;

(b) the names of the persons whom he has reason to think interested in such land;

(c) the amount awarded for damages and paid or tendered under sections 5 and 17, or either of them, and the amount of compensation awarded under section 11; and

(d) if the objection be to the amount of the compensation, the grounds on which the amount of compensation was determined.

(2) To the said statement shall be attached a schedule giving the particulars of the notices served upon, and of the statements in writing made or delivered by, the parties interested respectively.

Service of notice.

20. The Court shall thereupon cause a notice, specifying the day on which the Court will proceed to determine the objection, and directing their appearance before the Court on that day, to be served on the following persons, namely:—

(a) the applicant;

(b) all persons interested in the objection, except such (if any) of them as have consented without protest to receive payment of the compensation awarded; and

(c) if the objection is in regard to the area of the land or to the amount of the compensation, the Collector.

Restriction on scope of proceedings.

21. The scope of the enquiry in every such proceeding shall be restricted to a consideration of the interests of the persons affected by the objection.

Proceedings to be in open Court.

22. Every such proceeding shall take place in open Court, and all persons entitled to practise in any Civil Court in the province shall be entitled to appear, plead and act (as the case may be) in such proceeding.

Matters to be considered in determining compensation.

23. (*1*) In determining the amount of compensation to be awarded for land acquired under this Act, the Court shall take into consideration—

first, the market-value of the land at the date of the publication of the notification under section 4, sub-section (*1*);

secondly, the damage sustained by the person interested, by reason of the taking of any standing crops or trees which may be on the land at the time of the Collector's taking possession thereof;

thirdly, the damage (if any) sustained by the person interested, at the time of the Collector's taking possession of the land, by reason of severing such land from his other land;

fourthly, the damage (if any) sustained by the person interested, at the time of the Collector's taking possession of the land, by reason of the acquisition injuriously affecting his other property, movable or immovable, in any other manner, or his earnings;

fifthly, if, in consequence of the acquisition of the land by the Collector, the person interested is compelled to change his residence or place of business, the reasonable expenses (if any) incidental to such change; and

sixthly, the damage (if any) *bona fide* resulting from diminution of the profits of the land between the time of the publication of the declaration under section 6 and the time of the Collector's taking possession of the land.

(*2*) In addition to the market-value of the land, as above provided, the Court shall in every case award a sum of fifteen per centum on such market-value, in consideration of the compulsory nature of the acquisition.

Matters to be neglected in determining compensation.

24. But the Court shall not take into consideration—

first, the degree of urgency which has led to the acquisition;

secondly, any disinclination of the person interested to part with the land acquired;

thirdly, any damage sustained by him which, if caused by a private person, would not render such person liable to a suit;

fourthly, any damage which is likely to be caused to the land acquired, after the date of the publication of the declaration under section 6, by or in consequence of the use to which it will be put;

fifthly, any increase to the value of the land acquired likely to accrue from the use to which it will be put when acquired;

sixthly, any increase to the value of the other land of the person interested likely to accrue from the use to which the land acquired will be put; or,

seventhly, any outlay or improvements on, or disposal of, the land acquired, commenced, made or effected without the sanction of the Collector after the date of the publication of the notification under section 4, sub-section (*1*).

Rules as to amount of compensation.

25. (*1*) When the applicant has made a claim to compensation, pursuant to any notice given under section 9, the amount awarded to him by the Court shall not exceed the amount so claimed or be less than the amount awarded by the Collector under section 11.

(*2*) When the applicant has refused to make such claim or has omitted without sufficient reason (to be allowed by the Judge) to make such claim, the amount awarded by the Court shall in no case exceed the amount awarded by the Collector.

(*3*) When the applicant has omitted for a sufficient reason (to be allowed by the Judge) to make such claim, the amount awarded to him by the Court shall not be less than, and may exceed, the amount awarded by the Collector.

Form of award.

26. (*1*) Every award under this Part shall be in writing signed by the Judge, and shall specify the amount awarded under clause *first* of sub-section (*1*) of section 23, and also the amounts (if any) respectively awarded under each of the other clauses of the same sub-section, together with the grounds of awarding each of the said amounts.

*(*2*) Every such award shall be deemed to be a decree and the statement of the grounds of every such award a judgment within the meaning of section 2, clause (*2*), and section 2, clause (*9*), respectively, of the Code of Civil Procedure, 1908.

V of 1908.

Costs.

27. (*1*) Every such award shall also state the amount of costs incurred in the proceedings under this Part, and by what persons and in what proportions they are to be paid.

(*2*) When the award of the Collector is not upheld, the costs shall ordinarily be paid by the Collector, unless the Court shall be of opinion that the claim of the applicant was so extravagant or that he was so negligent in putting his case before the Collector, that some deduction from his costs should be made or that he should pay a part of the Collector's costs.

Collector may be directed to pay interest on excess compensation.

28. If the sum which, in the opinion of the Court, the Collector ought to have awarded as compensation is in excess of the sum which the Collector did award

*Sub-section (*2*) was inserted by section 2 of Act XIX of 1921.

as compensation, the award of the Court may direct that the Collector shall pay interest on such excess at the rate of six per centum per annum from the date on which he took possession of the land to the date of payment of such excess into Court.

PART IV.

Apportionment of Compensation.

Particulars of apportionment to be specified.

29. Where there are several persons interested, if such persons agree in the apportionment of the compensation, the particulars of such apportionment shall be specified in the award, and as between such persons the award shall be conclusive evidence of the correctness of the apportionment.

Dispute as to apportionment.

30. When the amount of compensation has been settled under section 11, if any dispute arises as to the apportionment of the same or any part thereof, or as to the persons to whom the same or any part thereof is payable, the Collector may refer such dispute to the decision of the Court.

PART V.

Payment.

Payment of compensation or deposit of same in Court.

31. (*1*) On making an award under section 11, the Collector shall tender payment of the compensation awarded by him to the persons interested entitled thereto according to the award, and shall pay it to them unless prevented by some one or more of the contingencies mentioned in the next sub-section.

(*2*) If they shall not consent to receive it, or if there be no person competent to alienate the land, or if there be any dispute as to the title to receive the compensation or as to the apportionment of it, the Collector shall deposit the amount of the compensation in the Court to which a reference under section 18 would be submitted:

Provided that any person admitted to be interested may receive such payment under protest as to the sufficiency of the amount:

Provided also that no person who has received the amount otherwise than under protest shall be entitled to make any application under section 18:

Provided also that nothing herein contained shall affect the liability of any person, who may receive the whole or any part of any compensation awarded under this Act, to pay the same to the person lawfully entitled thereto.

(*3*) Notwithstanding anything in this section, the Collector may, with the sanction of the [1][appropriate Government], instead of awarding a money compensation in respect of any land, make any arrangement with a person having a limited interest in such land,

[1]*Vide* foot-note 1 at page 2.

either by the grant of other lands in exchange, the remission of land-revenue on other lands held under the same title, or in such other way as may be equitable having regard to the interests of the parties concerned.

(*4*) Nothing in the last foregoing sub-section shall be construed to interfere with or limit the power of the Collector to enter into any arrangement with any person interested in the land and competent to contract in respect thereof.

Investment of money deposited in respect of lands belonging to persons incompetent to alienate.

32. (*1*) If any money shall be deposited in Court under sub-section (*2*) of the last preceding section and it appears that the land in respect whereof the same was awarded belonged to any person who had no power to alienate the same, the Court shall—

(*a*) order the money to be invested in the purchase of other lands to be held under the like title and conditions of ownership as the land in respect of which such money shall have been deposited was held, or

(*b*) if such purchase cannot be effected forthwith, then in such Government or other approved securities as the Court shall think fit;

and shall direct the payment of the interest or other proceeds arising from such investment to the person or persons who would for the time being have been entitled to the possession of the said land, and such moneys shall remain so deposited and invested until the same be applied—

(*i*) in the purchase of such other lands as aforesaid; or

(*ii*) in payment to any person or persons becoming absolutely entitled thereto.

(*2*) In all cases of moneys deposited to which this section applies the Court shall order the costs of the following matters, including therein all reasonable charges and expenses incident thereto, to be paid by the Collector, namely:—

(*a*) the costs of such investments as aforesaid;

(*b*) the costs of the orders for the payment of the interest or other proceeds of the securities upon which such moneys are for the time being invested, and for the payment out of Court of the principal of such moneys, and of all proceedings relating thereto, except such as may be occasioned by litigation between adverse claimants.

Investment of money deposited in other cases.

33. When any money shall have been deposited in Court under this Act for any cause other than that mentioned in the last preceding section, the Court may, on the application of any party interested or claiming an interest in such money, order the same to be invested in such Government or other approved securities as

it may think proper, and may direct the interest or other proceeds of any such investment to be accumulated and paid in such manner as it may consider will give the parties interested therein the same benefit therefrom as they might have had from the land in respect whereof such money shall have been deposited or as near thereto as may be.

Payment of interest.

34. When the amount of such compensation is not paid or deposited on or before taking possession of the land, the Collector shall pay the amount awarded with interest thereon at the rate of six per centum per annum from the time of so taking possession until it shall have been so paid or deposited.

PART VI.

Temporary Occupation of Land.

Temporary occupation of waste or arable land. Procedure when a difference as to compensation exists.

35. (*1*) Subject to the provisions of Part VII of this Act, whenever it appears to the [1][appropriate Government] that the temporary occupation and use of any waste or arable land are needed for any public purpose, or for a Company, the [1][appropriate Government] may direct the Collector to procure the occupation and use of the same for such term as it shall think fit, not exceeding three years from the commencement of such occupation.

(*2*) The Collector shall thereupon give notice in writing to the persons interested in such land of the purpose for which the same is needed, and shall, for the occupation and use thereof for such term as aforesaid, and for the materials (if any) to be taken therefrom, pay to them such compensation, either in a gross sum of money, or by monthly or other periodical payments, as shall be agreed upon in writing between him and such persons respectively.

(*3*) In case the Collector and the persons interested differ as to the sufficiency of the compensation or apportionment thereof, the Collector shall refer such difference to the decision of the Court.

Power to enter and take possession, and compensation on restoration.

36. (*1*) On payment of such compensation, or on executing such agreement or on making a reference under section 35, the Collector may enter upon and take possession of the land, and use or permit the use thereof in accordance with the terms of the said notice.

(*2*) On the expiration of the term, the Collector shall make or tender to the persons interested compensation for the damage (if any) done to the land and not provided for by the agreement, and shall restore the land to the persons interested therein:

Provided that, if the land has become permanently unfit to be used for the purpose for which it was used immediately before the commencement of such term,

[1]*Vide* foot-note 1 at page 2.

and if the persons interested shall so require, the [1][appropriate Government] shall proceed under this Act to acquire the land as if it was needed permanently for a public purpose or for a Company.

Difference as to condition of land.

37. In case the Collector and persons interested differ as to the condition of the land at the expiration of the term, or as to any matter connected with the said agreement, the Collector shall refer such difference to the decision of the Court.

PART VII.

Acquisition of Land for Companies.

Company may be authorised to enter and survey.

38. (*1*) [2]* * * The [1][appropriate Government] may authorize any officer of any Company desiring to acquire land for its purposes to exercise the powers conferred by section 4.

(*2*) In every such case section 4 shall be construed as if for the words "for such purpose" the words "for the purposes of the Company" were substituted; and section 5 shall be construed as if after the words "the officer" the words "of the Company" were inserted.

Industrial concern to be deemed Company for certain purposes.

38A. An industrial concern, ordinarily employing not less than one hundred workmen owned by an individual or by an association of individuals and not being a Company, desiring to acquire land for the erection of dwelling houses for workmen employed by the concern or for the provision of amenities directly connected therewith shall, so far as concerns the acquisition of such land, be deemed to be a Company for the purposes of this Part, and the references to Company in sections 5A, 6, 7, 17 and 50 shall be interpreted as references also to such concern.

Previous consent of [1][appropriate Government] and execution of agreement necessary.

39. The provisions of sections 6 to 37 (both inclusive) shall not be put in force in order to acquire land for any Company, unless with the previous consent of the [1][appropriate Government], nor unless the Company shall have executed the agreement hereinafter mentioned.

Previous enquiry.

40. (*1*) Such consent shall not be given unless the [1][appropriate Government] be satisfied either on the report of the Collector under section 5A, sub-section (*2*) or by an enquiry held as hereinafter provided,—

(*a*) that the purpose of the acquisition is to obtain land for the erection of dwelling houses for workmen employed by the Company or for the provision of amenities directly connected therewith, or

---

[1]*Vide* foot-note 1 at page 2.

[2]The words "subject to such rules as the Governor-General of India in Council may from time to time prescribe in this behalf" were omitted from sections 38(*1*) and 41 by section 2 and Sch. I of the Devolution Act, 1920 (38 of 1920).

(*b*) that such acquisition is needed for the construction of some work, and that such work is likely to prove useful to the public.

(*2*) Such enquiry shall be held by such officer and at such time and place as the [1][appropriate Government] shall appoint.

(*3*) Such officer may summon and enforce the attendance of witnesses and compel the production of documents by the same means and, as far as possible, in the same manner as is provided by the Code of Civil Procedure in the case of a Civil Court. XIV of 1882. (See now Act 5 of 1908.)

Agreement with appropriate Government.

41. If the [1][appropriate Government] is satisfied after consideration of the report, if any, of the Collector under section 5A, sub-section (*2*), or on the report of the officer making an inquiry under section 40 that the purpose of the proposed acquisition is to obtain land for the erection of dwelling houses for workmen employed by the Company or for the provision of amenities directly connected therewith, or that the proposed acquisition is needed for the construction of a work and that such work is likely to prove useful to the public, it shall, [2]* * * require the Company to enter into an agreement with the [3][appropriate Government], providing to the satisfaction of the [1][appropriate Government] for the following matters, namely:—

(*1*) the payment to the [3][appropriate Government] of the cost of the acquisition;

(*2*) the transfer, on such payment, of the land to the Company;

(*3*) the terms on which the land shall be held by the Company;

(*4*) where the acquisition is for the purpose of erecting dwelling houses or the provision of amenities connected therewith, the time within which, the conditions on which and the manner in which the dwelling houses or amenities shall be erected or provided; and

(*5*) where the acquisition is for the construction of any other work, the time within which and the conditions on which the work shall be executed and maintained, and the terms on which the public shall be entitled to use the work.

Publication of agreement.

42. Every such agreement shall, as soon as may be after its execution, be published in the official Gazette, and shall thereupon (so far as regards the terms on which the public shall be entitled to use the work) have the same effect as if it had formed part of this Act.

---

[1] *Vide* foot-note 1 at page 2.

[2] *Vide* foot-note 2 at page 15.

[3] These words were substituted for the words "Provincial Government" by the Adaptation of Laws Order, 1950.

43. The provisions of sections 39 to 42, both inclusive, shall not apply, and the corresponding sections of the Land Acquisition Act, 1870, shall be deemed never to have applied, to the acquisition of land for any Railway or other Company, for the purposes of which, under any agreement with such Company, the Secretary of State for India in Council, the Secretary of State, [1][the Central Government or any State Government] is or was bound to provide land.

X of 1870.

Sections 39 to 42 not to apply where Government bound by agreement to provide land for Companies.

44. In the case of the acquisition of land for the purposes of a Railway Company, the existence of such an agreement as is mentioned in section 43 may be proved by the production of a printed copy thereof purporting to be printed by order of Government.

How agreement with Railway Company may be proved.

PART VIII.

Miscellaneous.

45. (*1*) Service of any notice under this Act shall be made by delivering or tendering a copy thereof signed, in the case of a notice under section 4. by the officer therein mentioned, and, in the case of any other notice, by or by order of the Collector or the Judge.

Service of notices.

(*2*) Whenever it may be practicable, the service of the notice shall be made on the person therein named.

(*3*) When such person cannot be found, the service may be made on any adult male member of his family residing with him; and, if no such adult male member can be found, the notice may be served by fixing the copy on the outer door of the house in which the person therein named ordinarily dwells or carries on business, or by fixing a copy thereof in some conspicuous place in the office of the officer aforesaid or of the Collector or in the Court-house, and also in some conspicuous part of the land to be acquired:

Provided that, if the Collector or Judge shall so direct, a notice may be sent by post, in a letter addressed to the person named therein at his last known residence, address or place of business, and registered under Part III of the Indian Post Office Act, 1866, and service of it may be proved by the production of the adressee's receipt.

XIV of 1866. (See now Act 6 of 1898.)

46. Whoever wilfully obstructs any person in doing any of the acts authorized by section 4 or section 8, or wilfully fills up, destroys, damages or displaces any trench or mark made under section 4, shall, on conviction before a Magistrate, be liable to imprisonment for any term not exceeding one month, or to fine not exceeding fifty rupees, or to both.

Penalty for obstructing acquisition of land.

---

[1]By the Indian Independence (Adaptation of Central Acts and Ordinances) Order, 1948, the words "or any Government in British India" were replaced by the words "the Central Government or any Provincial Government" and the words "Provincial Government" again were substituted by the words "State Government" by the Adaptation of Laws Order, 1950.

Magistrate to enforce surrender.

47. If the Collector is opposed or impeded in taking possession under this Act of any land, he shall, if a Magistrate, enforce the surrender of the land to himself, and, if not a Magistrate, he shall apply to a Magistrate or (within the town of Calcutta, Madras and Bombay) to the Commissioner of Police, and such Magistrate or Commissioner (as the case may be) shall enforce the surrender of the land to the Collector.

Completion of acquisition not compulsory, but compensation to be awarded when not completed.

48. (*1*) Except in the case provided for in section 36, the Government shall be at liberty to withdraw from the acquisition of any land of which possession has not been taken.

(*2*) Whenever the Government withdraws from any such acquisition, the Collector shall determine the amount of compensation due for the damage suffered by the owner in consequence of the notice or of any proceedings thereunder, and shall pay such amount to the person interested, together with all costs reasonably incurred by him in the prosecution of the proceedings under this Act relating to the said land.

(*3*) The provisions of Part III of this Act shall apply, so far as may be, to the determination of the compensation payable under this section.

Acquisition of part of house or building.

49. (*1*) The provisions of this Act shall not be put in force for the purpose of acquiring a part only of any house, manufactory or other building, if the owner desire that the whole of such house, manufactory or building shall be so acquired:

Provided that the owner may, at any time before the Collector has made his award under section 11, by notice in writing, withdraw or modify his expressed desire that the whole of such house, manufactory or building shall be so acquired:

Provided also that, if any question shall arise as to whether any land proposed to be taken under this Act does or does not form part of a house, manufactory or building within the meaning of this section, the Collector shall refer the determination of such question to the Court and shall not take possession of such land until after the question has been determined.

In deciding on such a reference the Court shall have regard to the question whether the land proposed to be taken is reasonably required for the full and unimpaired use of the house, manufactory or building.

(*2*) If, in the case of any claim under section 23, sub-section (*1*), *thirdly*, by a person interested, on account of the severing of the land to be acquired from his other land, the [1][appropriate Government] is of opinion that the claim is unreasonable or excessive, it may, at any time before the Collector has made his award, order the acquisition of the whole of the land of which the land first sought to be acquired forms a part.

---

[1]*Vide* foot-note 1 at page 2.

(*3*) In the case last hereinbefore provided for, no fresh declaration or other proceedings under sections 6 to 10, both inclusive, shall be necessary; but the Collector shall without delay furnish a copy of the order of the [1][appropriate Government] to the person interested, and shall thereafter proceed to make his award under section 11.

Acquisition of land at cost of a local authority or Company.

50. (*1*) Where the provisions of this Act are put in force for the purpose of acquiring land at the cost of any fund controlled or managed by a local authority or of any Company, the charges of and incidental to such acquisition shall be defrayed from or by such fund or Company.

(*2*) In any proceeding held before a Collector or Court in such cases the local authority or Company concerned may appear and adduce evidence for the purpose of determining the amount of compensation:

Provided that no such local authority or Company shall be entitled to demand a reference under section 18.

Exemption from stamp-duty and fees.

51. No award or agreement made under this Act shall be chargeable with stamp-duty, and no person claiming under any such award or agreement shall be liable to pay any fee for a copy of the same.

Notice in case of suits for anything done in pursuance of Act.

52. No suit or other proceedings shall be commenced or prosecuted against any person for anything done in pursuance of this Act, without giving to such person a month's previous notice in writing of the intended proceeding, and of the cause thereof, nor after tender of sufficient amends.

Code of Civil Procedure to apply to proceedings before Court.

53. Save in so far as they may be inconsistent with anything contained in this Act, the provisions of the Code of Civil Procedure shall apply to all proceedings before the Court under this Act.

V of 1908.

Appeals in proceedings before Court.

[2][**54.** Subject to the provisions of the Code of Civil Procedure, 1908, applicable to appeals from original decrees, and notwithstanding anything to the contrary in any enactment for the time being in force, an appeal shall only lie in any proceedings under this Act to the High Court from the award,. or from any part of the award, of the Court and from any decree of the High Court passed on such appeal as aforesaid, an appeal shall lie to [3][the Supreme Court] subject to the provisions contained in section 110 of the Code of Civil Procedure, 1908, and in Order XLV thereof.]

Power to make rules.

55. (*1*) The [1][appropriate Government] shall have power to make rules consistent with this Act for the guidance of officers in all matters connected with its enforcement, and may from time to time alter and add to the rules so made.

---

[1]*Vide* foot-note 1 at page 2.]

[2]Section 54 was substituted by Act XIX of 1921.

[3]These words were substituted for the words "His Majesty in Council" by the Adaptation of Laws Order, 1950.

(*2*) The power to make, alter and add to rules under sub-section (*1*) shall be subject to the condition of the rules being made, altered or added to after previous publication.

(*3*) All such rules, alterations and additions shall[1] be published in the official Gazette, and shall thereupon have the force of law.

---

[1]The words "when sanctioned by the Governor-General in Council" after the word "shall" in section 55(*3*) were cancelled by the Decentralisation Act, 1914 (Act IV of 1914).

CONTENTS

SECTIONS.

1. Short title, commencement and local extent.
2. Saving for mineral rights of the Government.
3. Declaration that mines are not needed.
4. Notice to be given before working mines lying under land.
5. Power to prevent or restrict working.
6. Mode of determining persons interested and amount of compensation.
7. If appropriate Government does not offer to pay compensation, mines may be worked in a proper manner.
8. Mining communications.
9. Appropriate Government to pay compensation for injury done to mines.
10. And also for injury arising from any airway or other work.
11. Power to officer of appropriate Government to enter and inspect the working of mines.
12. Penalty for refusal to allow inspection.
13. If mines worked contrary to provisions of this Act, appropriate Government may require means to be adopted for safety of land acquired.
14. Construction of Act when land acquired has been transferred to a local authority or Company.
15. Repealed.
16. Definition of local authority, Company and appropriate Government.
17. This Act to be read with Land Acquisition Act, 1870.

ACT No. XVIII OF 1885.

Passed by the Governor-General of India in Council.

(Received the assent of the Governor-General on the 16th October, 1885.)

An Act to provide for cases in which Mines or Minerals are situate under land which it is desired to acquire under the Land Acquisition Act, 1870.

WHEREAS it is expedient to provide for cases in which mines or minerals are situate under land which it is desired to acquire under the Land Acquisition Act, 1870; it is hereby enacted as follows:—

X of 1870. (See now Act 1 of 1894.)

Short title, commencement, and local extent.

1. (*1*) This Act may be called the Land Acquisition (Mines) Act, 1885; and

(*2*) It shall come into force at once.

(*3*) It extends in the first instance to the States of Madras, West Bengal, Bihar, Assam and Orissa, but [1][the Government of any other Part A State or of a Part C State] may, from time to time, by notification in the official Gazette, extend this Act to the whole or any specified part of the territories under its administration.

Saving for mineral rights of the Government.

2. Except as expressly provided by this Act, nothing in this Act shall affect the right of [2][the Government] to any mines or minerals.

Declaration that mines are not needed.

X of 1870. (See now Act 1 of 1894.)

3. (*1*) When the [3][appropriate Government] makes a declaration under section 6 of the Land Acquisition Act, 1870, that land is needed for a public purpose or for a Company, it may, if it thinks fit, insert in the declaration a statement that the mines of coal, ironstone, slate or other minerals lying under the land or any particular portion of the land, except only such parts of the mines or minerals as it may be necessary to dig or carry away or use in the construction of the work for the purpose of which the land is being acquired, are not needed.

X of 1870. (See now Act 1 of 1894.)

(*2*) When a statement as aforesaid has not been inserted in the declaration made in respect of any land under section 6 of the Land Acquisition Act, 1870, and

---

[1]These words were substituted for the words "any other Provincial Government" by the Adaptation of Laws Order, 1950.

[2]These words were substituted for the words "the Crown" by the Adaptation of Laws Order, 1950.

[3]By the Government of India (Adaptation of Indian Laws) Order, 1937, the words "Local Government" were replaced by the words "Provincial Government" and these latter words again were substituted by the words "Appropriate Government".

the Collector is of opinion that the provisions of this Act ought to be applied to the land, he may abstain from tendering compensation under section 11 of the said Land Acquisition Act in respect of the mines, and may—

(*a*) when he makes an award under section 14 of that Act, insert such a statement in his award;

(*b*) when he makes a reference to the Court under section 15 of that Act, insert such a statement in his reference; or

(*c*) when he takes possession of the land under section 17 of that Act, publish such a statement in such manner as the [1][appropriate Government] may, from time to time, prescribe.

(*3*) If any such statement is inserted in the declaration, award or reference, or published as aforesaid, the mines of coal, iron-stone, slate or other minerals under the land or portion of the land specified in the statement, except as aforesaid, shall not vest in [2][the Government] when the land so vests under the said Act.

Notice to be given before working mines lying under land.

4. If the person for the time being immediately entitled to work or get any mines or minerals lying under any land so acquired is desirous of working or getting the same, he shall give the [3][appropriate Government] notice in writing of his intention so to do sixty days before the commencement of working.

Power to prevent or restrict working.

5. (*1*) At any time or times after the receipt of a notice under the last foregoing section, and whether before or after the expiration of the said period of sixty days, the [3][appropriate Government] may cause the mines or minerals to be inspected by a person appointed by it for the purpose; and

(*2*) If it appears to the [3][appropriate Government] that the working or getting of the mines or minerals, or any part thereof, is likely to cause damage to the surface of the land or any works thereon, the [3][appropriate Government] may publish, [4]* * * a declaration of its willingness, either—

(*a*) to pay compensation for the mines or minerals still unworked or ungotten, or that part thereof, to all persons having an interest in the same; or

(*b*) to pay compensation to all such persons in consideration of those mines or minerals, or that part thereof, being worked or gotten in such manner and subject to such restrictions as the [3][appropriate Government] may in its declaration specify.

---

[1]*Vide* Adaptation of Laws Order, 1950.

[2]*Vide* foot-note 2 at page 25.

[3]*Vide* foot-note 3 at page 25.

[4]The words "in such manner as the Governor-General in Council may, from time to time, direct" were repealed by the Devolution Act, 1920.

(*3*) If the declaration mentioned in case (*a*) is made, then those mines or minerals, or that part thereof, shall not thereafter be worked or gotten by any person.

(*4*) If the declaration mentioned in case (*b*) is made, then those mines or minerals, or that part thereof, shall not thereafter be worked or gotten by any person save in the manner and subject to the restrictions specified by the [1][appropriate Government].

[2][(*5*) Every declaration made under this section shall be published in such manner as the [1]appropriate Government may direct.]

Mode of determining persons interested and amount of compensation.

6. When the working or getting of any mines or minerals has been prevented or restricted under section 5, the persons interested in those mines or minerals and the amounts of compensation payable to them respectively shall, subject to all necessary modifications, be ascertained in the manner provided by the Land Acquisition Act, 1870, for ascertaining the persons interested in the land to be acquired under that Act, and the amounts of compensation payable to them, respectively.

X of 1870. (See now Act 1 of 1894.)

If appropriate Government does not offer to pay compensation, mines may be worked in a proper manner.

7. (*1*) If before the expiration of the said sixty days the [1][appropriate Government] does not publish a declaration as provided in section 5, the owner, lessee or occupier of the mines may, unless and until such a declaration is subsequently made, work the mines or any part thereof in a manner proper and necessary for the beneficial working thereof, and according to the usual manner of working such mines in the local area where the same are situate.

(*2*) If any damage or obstruction is caused to the surface of the land or any works thereon by improper working of the mines, the owner, lessee or occupier of the mines shall at once, at his own expense, repair the damage or remove the obstruction, as the case may require.

(*3*) If the repair or removal is not at once effected, or, if the [1][appropriate Government] so thinks fit, without waiting for the same to be effected by the owner, lessee or occupier, the [1][appropriate Government] may execute the same and recover from the owner, lessee, or occupier the expense occasioned thereby.

Mining communications.

8. If the working of any mines is prevented or restricted under section 5, the respective owners, lessees and occupiers of the mines, if their mines extend so as to lie on both sides of the mines the working of which is prevented or restricted, may cut and make such and so many airways, headways, gateways or water-levels through the mines, measures or strata, the

---

[1]*Vide* foot-note 3 at page 25.
[2]Inserted by the Devolution Act, 1920.

working whereof is prevented or restricted, as may be requisite to enable them to ventilate, drain and work their said mines; but no such airway, headway, gateway or water-level shall be of greater dimensions or section than may be prescribed by the [1][appropriate Government] in this behalf, and, where no dimensions are so prescribed, not greater than eight feet wide and eight feet high, nor shall the same be cut or made upon any part of the surface or works, or so as to injure the same, or to interfere with the use thereof.

Appropriate Government to pay compensation for injury done to mines.

9. The [2][appropriate Government] shall, from time to time, pay to the owner, lessee or occupier of any such mines extending so as to lie on both sides of the mines, the working of which is prevented or restricted, all such additional expenses and losses as may be incurred by him by reason of the severance of the lands lying over those mines or of the continuous working of those mines being interrupted as aforesaid, or by reason of the same being worked in such manner and under such restrictions as not to prejudice or injure the surface or works, and for any minerals not acquired by the [2][appropriate Government] which cannot be obtained by reason of the action taken under the foregoing sections; and if any dispute or question arises between the [2][appropriate Government] and the owner, lessee or occupier as aforesaid, touching the amount of those losses or expenses, the same shall be settled as nearly as may be in the manner provided for the settlement of questions touching the amount of compensation payable under the Land Acquisition Act, 1870.

X of 1870. (See now Act 1 of 1894.)

And also for injury arising from any airway or other work.

10. If any loss or damage is sustained by the owner or occupier of the lands lying over any such mines, the working whereof has been so prevented or restricted as aforesaid (and not being the owner, lessee or occupier of those mines), by reason of the making of any such airway or other works as aforesaid, which or any like work it would not have been necessary to make but for the working of the mines having been so prevented or restricted as aforesaid, the [2][appropriate Government] shall pay full compensation to that owner or occupier of the surface lands for the loss or damage so sustained by him.

Power to officer of appropriate Government to enter and inspect the working of mines.

11. For better ascertaining whether any mines lying under land acquired in accordance with the provisions of this Act are being worked, or have been worked, or are likely to be worked, so as to damage the land or the works thereon, an officer appointed for this purpose by the [2][appropriate Government] may, after giving twenty-four hours' notice in writing, enter into and return from any such mines or the works connected therewith; and for that purpose the officer so appointed may make use of any apparatus or machinery belonging

[1] *Vide* foot-note 1 at page 26.
[2] *Vide* foot-note 3 at page 25.

to the owner, lessee or occupier of the mines, and use all necessary means for discovering the distance from any part of the land acquired to the part of the mines which have been, are being, or are about to be worked.

12. If any owner, lessee or occupier of any such mines or works refuses to allow any officer appointed by the [1][appropriate Government] for that purpose to enter into and inspect any such mines or works in manner aforesaid, he shall be punished with fine which may extend to two hundred rupees.

Penalty for refusal to allow inspection.

13. If it appears that any such mines have been worked contrary to the provisions of this Act, the [1][appropriate Government] may, if it thinks fit, give notice to the owner, lessee or occupier thereof to construct such works and to adopt such means as may be necessary or proper for making safe the land acquired and the works thereon, and preventing injury thereto; and if, after such notice, any such owner, lessee or occupier does not forthwith proceed to construct the works necessary for making safe the land acquired and the works thereon, the [1][appropriate Government] may itself construct the works and recover the expenses thereof from the owner, lessee or occupier.

If mines worked contrary to provisions of this Act, appropriate Government may require means to be adopted for safety of land acquired.

14. When a statement under section 3 has been made regarding any land, and the land has been acquired by the Government, and has been transferred to, or has vested, by operation of law in a local authority or Company, then sections 4 to 13, both inclusive, shall be read as if for the words "the [1][appropriate Government]", wherever they occur in those sections, [2][except in section 5, sub-section (*5*), and section 8,] the words "the local authority or Company, as the case may be, which has acquired the land," were substituted.

Construction of Act when land acquired has been transferred to a local authority or Company.

15. [Pending cases.] Repealed by the Repealing and Amending Act, 1937.

16. In this Act—

Definition of local authority, Company and appropriate Government.

(*a*) "local authority" means any municipal committee, district board, body of port commissioners or other authority legally entitled to, or entrusted by the Government with, the control or management of any municipal or local fund; and

---

[1] *Vide* foot-note 3 at page 25.
[2] Inserted by the Devolution Act, 1920.

(*b*) "Company" means a Company registered under any of the enactments relating to Companies from time to time in force in [1][Part A States and Part C States] or formed in pursuance of an Act of Parliament [2][of the United Kingdom] or by Royal Charter or Letters Patent;

[3][(*c*) "Appropriate Government" means, in relation to acquisition of land for the purposes of the Union, the Central Government, and, in relation to acquisition of land for any other purposes, the State Government.]

This Act to be read with land Acquisition Act, 1870.

17. This Act shall, for the purposes of all enactments for the time being in force, be read with and taken as part of the Land Acquisition Act, 1870.

X of 1870. (See now Act 1 of 1894.)

[1]*Vide* Adaptation of Laws Order, 1950.
[2]Inserted by Adaptation of Laws Order, 1950.
[3]Inserted by Adaptation of Laws Order, 1950.

Rules issued under section 55 of Act I of 1894, having the force of law

GOVERNMENT OF WEST BENGAL.

Land and Land Revenue Department.

Land Acquisition Branch.

Correction slip to the West Bengal Land Acquisition Manual, 1951, Part C.

Correction Slip No. 2.

1. *In* clause (*a*) of rule I of the Rules under the Land Acquisition Act, I of 1894—

(a) *Insert* the words "settlement papers are known, it" between the word "the" in line 1 and the word "shall" in line 2.

(b) *Delete* the words "latest day of payment of arrears of".

(*c*) *Insert* the words "the end" just before the words "of the month immediately etc.".

2. *In* paragraph 25 of the executive instructions of the Land Acquisition Manual, 1951—

Substitute the word "mining" for the word "minor" in line 17.

3. *In* paragraph 69 of the executive instructions of the Land Acquisition Manual, 1951—

Delete the portion beginning from the words "The right to the timber etc." in line 9 and ending with the words "separate compensation for them" in line 23.

4. *In* clause (*c*) of paragraph 146 of the executive instructions of the Land Acquisition Manual, 1951—

Substitute the word "objection" for the word "objectioi" in line 17.

5. *In* sub-paragraph 4 of paragraph 165 of the executive instructions of the Land Acquisition Manual, 1951—

Substitute the word "solely" for the word "silely" in line 12.

Estimated cost of acquisition.		Rate of advance deposit to be realised in advance for meeting law charges.
(1) For sums not exceeding Rs. 1,000	...	10 per cent. subject to the minimum of Rs. 50.
(2) For sums exceeding Rs. 1,000 but not exceeding Rs. 10,000	...	5 per cent. subject to a minimum of Rs. 100.
(3) For sums exceeding Rs. 10,000 but not exceeding Rs. 1,00,000	...	2 per cent. subject to the minimum of Rs. 500.
(4) For sums exceeding Rs. 1,00,000	...	1 per cent. subject to the minimum of Rs. 2,000 but to the maximum of Rs. 4,000 only.

RULES ISSUED UNDER SECTION 55 OF ACT I OF 1894, HAVING THE FORCE OF LAW.

Notification No. 29T.—R.

The 24th April, 1895.—In exercise of the powers conferred by section 55 of the Land Acquisition Act, I of 1894, and with the previous sanction of the Governor-General in Council, the Lieutenant-Governor is pleased to make the following rules in supersession of the rules issued under section 59 of Act X of 1870 and published under notification, dated the 4th November, 1889, at pages 898—900, Part I of the *Calcutta Gazette* of the 6th idem:—

RULES UNDER THE LAND ACQUISITION ACT, I OF 1894.

***1.** When any revenue-paying land is acquired under the Land Acquisition Act, 1894 (I of 1894), the proprietor shall be relieved of the liability to pay revenue to the extent of the Government demand upon the said land; and such relief shall have effect in the manner hereinafter described:—

(*a*) in estates in which the instalments of revenue as laid down in the shall take effect from the latest day of payment of arrears of of the month immediately preceding that in which possession of the land is taken;

(*b*) in estates in which the instalments of revenue are not known, it shall take effect from the latest day of payment of arrears of revenue (as determined by the Board of Revenue, Lower Provinces, under section 3 of Act XI of 1859) immediately preceding the date on which possession is taken; and

(*c*) in holdings in Calcutta including Taluk "Sutanuty", it shall take effect from the 1st April of the financial year in which possession is taken.

2. In such cases the Collector shall, before making an award, ascertain, in accordance with the two next following rules, and record the amount of Government revenue which is to be taken as payable in respect of the acquired portion, and shall, in the event of a reference being made to a Court, furnish the Court, at the time of making the reference, with particulars of the amount of the share so ascertained and recorded.

3. If the land to be acquired be an entire estate or tenure assessed with a specific amount of revenue, the whole of such amount shall be remitted.

4. If the land be not liable for a specific amount of revenue, but be a portion of an estate or tenure which is liable for a specific amount, the

---

*This rule was substituted for original rule 1 by Government Notification No. 3231L.A., dated the 3rd September, 1907, published at page 1581, Part I of the *Calcutta Gazette* of the 11th idem.

proportion of Government revenue to be deemed payable in respect of the land taken shall be ascertained under the following rules:—

1st.—When an estate has, within 20 years next preceding the date of the commencement of proceedings for the acquisition of any land situate therein, been subjected to a detailed settlement, or has formed portion of an estate brought under partition under the Estates Partition Act, VIII (B.C.) of 1876, made after inquiry into and record of the assets of the estate, the Government revenue to be deemed payable in respect of the said land shall bear to the assets of the said land the same proportion as the Government revenue of the whole estate bears to the assets of the whole estate, as shown in the settlement or partition proceedings.

2nd.—When there has been no such settlement or partition as aforesaid, or when, although there has been such settlement or partition, the assets of the whole estate cannot, in the opinion of the Commissioner, be accurately ascertained without serious difficulty, then, if the area of the estate is known with accuracy, the amount of Government revenue to be deemed payable in respect of the portion of the land taken shall bear to the Government revenue of the whole estate the same proportion as the area of said portion bears to the area of the whole estate.

3rd.—When the Government revenue deemed payable in respect of the land taken cannot be determined by either of the above rules, one-fourth of the net rent (*i.e.*, the gross rental less a deduction of 10 per cent. for the expenses of collection) of the said land shall be taken to be the amount of Government revenue thereon chargeable.

5. In determining the amount of compensation to be awarded, the Collector shall take into consideration the fact that the land acquired is subject to the burden of the payment of Government revenue.

[1]**6.** Cancelled.

7. When there is any question whether the land to be acquired is part of a revenue-paying estate, or is revenue-free, the Collector shall decide the matter before making his award, leaving it to the claimants to apply for a reference to the Court if they object to his decision. In case of a reference being applied for, the Collector shall, if he has decided that the land is revenue-free, determine the amount of revenue which would be payable for it in the event of its being held to belong to the revenue-paying estate of which it is alleged to form a part.

8. To enable him to calculate accurately the additional compensation to be given under section 23(*2*) of the Act, and to keep up fully and clearly his registers of all lands occupied and compensation paid for them, the Collector shall invariably record separately his finding under the first head of section 23(*1*) of the Act, which concerns the market value of the land.

---

*Substituted by Notification No. 6598L.A., dated the 3rd September, 1917, published at page 1398, Part I of the *Calcutta Gazette* of the 5th idem.

[1]Cancelled under Notification No. 8028L.A., dated the 25th October, 1919.

9. The procedure laid down as to the payment of the compensation money in cases of references under section 18 shall apply also to references under section 30 or section 35. The compensation money, or, if any of the parties are willing to accept payment of their shares and payment to them is admissible, the portion of it which is in dispute and cannot be paid away shall be deposited in Court when the reference is made.

[1]**10.** In giving notice of the award under section 12(*2*), and tendering payment under section 31(*1*), to such of the persons interested as were not present personally or by their representatives when the award was made, the officer shall require them to appear personally or by representatives by a certain date, to receive payment of the compensation awarded to them, intimating also that no interest will be allowed to them if they fail to appear. If they do not appear, and do not apply for a reference to the Civil Court under section 18, the officer shall, after any further endeavour to secure their attendance that may seem desirable, cause the amounts due to be paid into the Treasury as revenue deposits payable to the persons to whom they are respectively due, and vouched for in the accompanying form (marked E). The officer shall also give notice to the payees of such deposits, specifying the Treasury in which the deposits have been made. When the payees ultimately claim payment of sums placed in deposit, the amounts will be paid to them in the same manner as ordinary revenue deposits. The officer should, as far as possible, arrange to make the payments due in or near the village to which the payees belong, in order that the number of undisbursed sums to be placed in deposit on account of non-attendance may be reduced to a minimum. Whenever payment is claimed through a representative, whether before or after deposit of the amount awarded, such representative must show legal authority for receiving the compensation on behalf of his principal.

***11.** The securities mentioned or referred to in section 20 of the Indian Trusts Act, 1882 (II of 1882), shall be deemed to be approved securities for the purposes of investment of compensation money under clause (*b*) of sub-section (*1*) of section 32 of the Land Acquisition Act, 1894.

---

[1]This rule was substituted for original rule 10 by Government Notification No. 4876L.R. dated 30th November, 1896, published in the *Calcutta Gazette* of the 2nd December, 1896, Part I, pages 1204-1205.

*Added by Notification No. 12008L.A., dated the 27th June, 1938.

E

Name of work for which land has been acquired.....

To the Officer in charge of——————*Treasury.*

Please receive for transfer to credit of Revenue Deposits the sum of Rs.....on account of compensation for land taken up for the above purpose, payable as detailed below :—

Serial No. in award statement No.	Names of persons to whom due.	Area of land.	Amount payable to each.	Remarks.
		Acres.	Rs. a. p.	
	Total ..			

Date *19* *Land Acquisition Officer.*

Received the above amount and credited to Revenue Deposits.

Treasury Officer.

Note.—This form should be used when the amounts of compensation due are sent to Treasury in the absence of proprietors who have failed to present themselves for payment.

E

Name of work for which land has been acquired.....

To the Officer in charge of——————*Treasury.*

Please receive for transfer to credit of Revenue Deposits the sum of Rs.....on account of compensation for land taken up for the above purpose, payable as detailed below :—

Serial No. in award statement No.	Names of persons to whom due.	Area of land.	Amount payable to each.	Remarks.
		Acres.	Rs. a. p.	
	Total			

Date *19* *Land Acquisition Officer.*

Received the above amount and credited to Revenue Deposits.

Treasury Officer.

Note.—This form should be used when the amounts of compensation due are sent to Treasury in the absence of proprietors who have failed to present themselves for payment.

Executive Instructions by the Government of West Bengal

NOTIFICATION ISSUED BY THE CENTRAL GOVERNMENT ENTRUSTING TO THE GOVERNMENT OF WEST BENGAL THEIR FUNCTIONS UNDER THE LAND ACQUISITION ACT, I OF 1894, IN RELATION TO ACQUISITION OF LAND FOR THE PURPOSES OF THE UNION.

No. 123/50-Judl., dated New Delhi 2, the 30th September, 1950.

Notification by—The Government of India, Ministry of Home Affairs.

In exercise of the powers conferred by clause (*1*) of article 258 of the Constitution, the Central Government is pleased to entrust to the Government of West Bengal, with their consent, the functions of the Central Government under the Land Acquisition Act, 1894 (I of 1894), in relation to the acquisition of land for the purposes of the Union.

CONTENTS.

CHAPTER.		PARAS.
I	General	1-11
II	Preliminary	12-19A
III	Estimate and draft declaration	20-31
IV	Plans, schedules and revised estimates	32-52
V	Notices, enquiry and award	53-64
VI	General principles of valuation	65-75
VII	Reference	76-84A
VIII	Abatement of revenue	85-86
IX	Temporary occupation	87-91
X	Payment of compensation	92-104
XI	Taking and delivery of possession	105-113
XII	Correction of land registers	114-120
XIII	Final report and disposal of records	121-128
XIV	Supply of certified copies of plans of lands acquired	129-134
XV	Disposal of surplus lands	135-150
XVI	Maintenance of land acquisition plans, registers and boundary marks ..	151-155
XVII	Accounts, establishment, recovery and adjustment of charges ..	156-180
XVIII	Returns	181-182
XIX	Inspection	183-184
	Forms 1-40.	

CHAPTER I.

General.

Note.—For the purposes of these instructions, the administrative department of Government is the department which sanctions the project necessitating the acquisition, or in the case of an acquisition on behalf of a local authority or a company is the department which controls or is concerned with the functions of the local authority or company. In the case of acquisition by a railway, the Works and Buildings Department is the administrative department.

Object of the Act.

1. By Act I of 1894 Government is empowered to acquire compulsorily any land which is not already the property of Government and which is required for a public purpose or, under the special circumstances described in Part VII of the Act, for a company.

Acquisition for Central Government—Position under the Constitution.

1A. Before the Constitution of India came into force, the Provincial Government was competent to acquire land for all purposes including those of the Central Government. Under article 298(*1*) of the Constitution, the executive power to acquire land for the purposes of a State rests with the State Government concerned while the power to acquire land for the purposes of the Union has been vested in the Central Government. The Land Acquisition Act, I of 1894, which has been amended by the Adaptation of Laws Order, 1950, in keeping with the provisions contained in the aforesaid article of the Constitution, also empowers the Central Government to acquire land for the purposes of the Union and the State Government for all other purposes. The State Government has therefore no power under the law, as it stands, to acquire any land for the purposes of the Union. As, however, the Government of India, Ministry of Home Affairs, in their notification No. 123/50-Judl., dated the 30th September 1950, have entrusted their functions under the Land Acquisition Act, I of 1894, in relation to the acquisition of land for the purposes of the Union, to the State Government under the provisions of article 258(*1*) of the Constitution, the State Government can now acquire land under the Act for all purposes including those of the Central Government. In cases of acquisition of land for the Central Government, the notifications under section 4 and the declarations under section 6 of the Act have, however, to be published by the State Government in a modified manner, as indicated in Forms 2A, 3A and 5A of this Manual.

Special provisions of Calcutta Improvement Trust and Corporation.

2. By the Calcutta Improvement Act the Board of Trustees is empowered to acquire land with the previous sanction of Government.

For the purpose of acquiring land for the Board of Trustees for the Improvement of Calcutta and for the Corporation of Calcutta certain modifications have been made in Act I of 1894 and are included in the Calcutta Improvement Act and in the Calcutta Municipal Act.

What land may be acquired.

3. Land, all the interests in which are already vested in Government and in which no interests of private person exist, cannot form the subject of proceedings under the Land Acquisition Act. The transfer of such land from one department of Government to another should be arranged for by executive action.

When Government desire to acquire land for any public purpose they must acquire all the outstanding interests in the land, *i.e.*, interests not already vested in Government.

When land has been acquired under the Act and made over to a local authority or to a company, it may again be acquired under the Act if subsequently required for a public purpose by Government or by some other local authority or company.

Conditions under which land may be obtained by private bargain.

4. The advantages of acquiring land under the Act over obtaining it by private bargain are that the former procedure secures an indefeasible title and is likely to save Government from the risk of paying more than the true market value of the land. Land may not be obtained by private bargain without the sanction of Government who will in such cases require strict proof that the vendor can convey a good title, and that there are sufficient reasons for not following the procedure of the Act. It is not legal to purchase the interest of one claimant by private bargain, and simultaneously to acquire the interests of other claimants under the Act. Under the orders of the Government of India (*see* Appendix II-H of this Manual) acquisition of land taken up for railways by private bargain must always be effected in accordance with the formal procedure of the Act and the price agreed upon must for the purpose of the award be divided into a specific sum *plus* 15 per cent. additional compensation: this practice will ordinarily be adopted in the case of lands acquired by private bargain for purposes other than railways. Negotiations for obtaining land by private bargain will be conducted by the department, local authority or company concerned, but the Collector should furnish any information for which he may be asked, and his opinion should accompany the application to Government for sanction to the proposal.

Cases of free gift.

5. (*1*) Offers of free gift of land must be carefully scrutinised in the light of the principles (*a*) that no man can give away what does not belong absolutely to him, (*b*) in particular, that no landlord can give away the rights of his tenants, (*c*) that no gift or waiver by a person holding a position of trust can have effect against the beneficiary owner.

(*2*) When any person offers to make a free gift of land in which other persons hold interests, the land should be acquired under the Land Acquisition Act and awards should be made to all the persons interested. For this purpose the person agreeing to make a gift shall put in a petition aiving his claim to compensation, provided that he has *sui juris* full powers of alienation.

(*3*) Where there is no room for doubt as to the validity of the gift of the entire interests the land may be acquired by registered deed of gift with the sanction of the Commissioner.

(*4*) When the gift is saddled with conditions (*e.g.*, that the land should revert to the donor when no longer required for the purpose for which it is given) proceedings under the Land Acquisition Act are not applicable, the donor has power to make a gift free of all encumbrances, and if the conditions are accepted by Government in the Land and Land Revenue Department, the land may be obtained by a registered deed of conditional gift.

(*5*) The cost of registering a deed of gift should in all cases be borne by the donee.

(*6*) The Court of Wards has no power to make a free gift of land belonging to a ward, nor can a valid gift or waiver of right be made by a minor, or a limited owner (*e.g.*, a Hindu widow), a receiver, a trustee, an administrator or an executor.

(*7*) No valid acquisition can be made on payment of nominal compensation: an award under the Land Acquisition Act must be for the full market value of the land.

6. Cancelled.

Site Selection Committee.

7. The site of every building constructed by the Works and Buildings Department is required to be approved by a Site Selection Committee Unless the Executive Engineer is instructed to the contrary the site will be approved by the Committee before the project is submitted for administrative approval. The constitution and duties of the Committee are prescribed in Government of Bengal Circular No. 3B, Public Works Department. dated the 21st April 1917 (*vide* Appendix IX).

Appointment of officers to perform the functions of a Collector.

8. When it is desired to employ an Assistant or Deputy or Sub-Deputy Collector to acquire land under the Act, the Collector of the district must apply through the Commissioner to Government in the Land and Land Revenue Department to have him vested with the necessary powers under section 3. When applying the Collector must state that he is satisfied that the officer recommended is well acquainted with the provisions of the law and the rules and instructions, and the Commissioner in submitting recommendations to Government should state that the Collector is so satisfied. It is essential that the officer should possess a good working knowledge of cadastral-survey and record-writing.

Officers may be employed to assist the officer acquiring land by distributing payments or otherwise without being empowered under section 3, provided that they work under the direct supervision of the acquiring officer and do not exercise any of the powers of a Collector under the Act.

Relations between Land Acquisition Officers and the Collector and Railway authorities.

9. Land Acquisition Officers employed in taking up land for Railways, although under the direct orders of the District Collector as regards procedure and purely revenue matters, should be in regular communication with the Railway authorities concerned upon such subjects as when and where land should be first acquired and upon questions of funds.

Land Acquisition Officers are strictly prohibited from accepting any concessions such as free passes, medical attendance and the like from Railway or other Companies without the special sanction of Government in the Land and Land Revenue Department.

Acquisition of land for Companies under sections 39 to 42.

10. (*1*) Under the Land Acquisition Act, I of 1894, land can be acquired for a Company for the purpose of construction of such works as are specified in clauses (*a*) and (*b*) of section 40(*1*). It has sometimes been noticed that a Company which has already constructed its factories, workshops, workers' quarters and other connected buildings by taking temporary settlement of any land on a lease or under any other title of the same nature, applies for the acquisition of the said land, when it fails to secure further settlement of the land in question from

the landlord on the expiry of the term of the original settlement. The object of such an application is not by any means to obtain land for construction of any new work, as contempleted in section 40(*1*) but merely to avoid ejectment by the landlord and to save the constructions already erected on the land. The acquisition in such a case is not, therefore, permissible under the Act and cannot be allowed.*

A society registered under the Societies Registration Act of 1860 is a Company within the meaning of section 3(*e*) of the Land Acquisition Act, 1894, and is, therefore, entitled to apply for acquisition of land under section 40(*1*) of the Act. In cases of acquisition of land for such a society, two tests have to be satisfied: firstly, the purpose for which the land is to be acquired must be one of the purposes covered by the preamble read with section 20 of the Societies Registration Act, 1860, and secondly, one of the two conditions mentioned in clauses (*a*) and (*b*) of section 40(*1*) of the Land Acquisition Act must be fulfilled. No application for acquisition of land from such a society can be entertained unless both these tests are satisfied.†

When land is to be acquired for a company under sections 39 to 42 the agreement required by section 41 must be published in the manner provided by section 42 before proceedings for acquisition are initiated.

The agreement should conform as closely as possible to the standard Form 1 and in particular should ensure the reimbursement to Government of all costs including costs of litigation.

(*2*) The land on acquisition vests absolutely in Government and in order to divest it and vest it in the Company for which the land is acquired, a deed of transfer in Form 1A should be executed which will be liable to stamp duty under Article 62(*e*) of the Indian Stamp Act, 1899, as amended by Act III of 1922. The costs are to be borne by the Company.

Acquisition of land for Industrial concerns under section 38A.

(*3*) Section 38A permits acquisition of land for certain Industrial concerns. Such concerns may consist either of—

(*i*) a single individual, or

(*ii*) several individuals who are joint owners thereof, *e.g.*, brothers who have inherited the property from their common ancestors jointly, or

(*iii*) several individuals who have contracted to carry on business on partnership, *i.e.*, a firm.

In case of acquisition of lands for such concerns, the agreement and the deed of transfer should be executed in the standard Forms 1B and 1C which will be suitable for all the 3 classes of cases.

Acquisition of land for private institutions through local bodies.

‡**10A.** When local bodies like Municipalities and District Boards agree to get lands acquired in behalf of private institutions for specified public purposes, such bodies should, before

*This is based on the decision taken in the cases of acquisition of land for Messrs. Saxby & Farmer (India), Ltd., and Messrs. Somany Glass Works, Ltd.

†This is based on Government order No. 2965 (14) L. A., dated the 23rd March, 1950.

‡This paragraph was introduced in Local Self-Government Department No. L.S.G. 3P-110/49(3), dated the 4th August, 1950.

moving Government to acquire the lands, obtain written undertakings from such institutions agreeing to use the lands for the purposes for which they are acquired and if they are not used or required for those purposes, to the lands being resumed by the local bodies. After acquisition, the Collector will formally deliver possession of the lands to the local bodies who should then make over the lands to the institutions on their executing a licence in Form 1D.

Before sending these acquisition proposals to the Department of Land and Land Revenue the administrative departments should satisfy themselves that written undertakings, as aforesaid, have been obtained from the institutions concerned and furnish a report to that effect to the former department along with the proposals. While according administrative approval, the administrative department should also make it clear in their orders that the lands are to be made over to the institutions by the local body concerned on their executing a licence in Form 1D.

Acquisition of land for railway sidings outside railway boundaries.

11. In the case of extension of a railway into private premises, *i.e.*, for a siding outside the railway boundaries the land required for the extension will, on the application of the Railway Administration concerned, be acquired by the Government under the Land Acquisition Act, I of 1894, in accordance with the terms of the revised form of agreement approved in the Railway Board's Circular No. R.T. 35/6, dated the 28th July 1905, and amended by their subsequent Circular No. 1955R.G., dated the 23rd June 1913.

Plans and estimates for such extensions must be sanctioned by competent authority, viz., by the General Managers of State Railways or by the Agent (the constituted attorney of the Company) or by the Board of Directors of Company-managed Railways or by the Railway Board. The sanction of the Railway Board, when necessary, will be applied for by the Railway Administration.

CHAPTER II.

Preliminary.

Matters to be considered when selecting land for acquisition.

12. The officer who selects the land on behalf of the requiring department is bound to see that the interests of Government, of the public and of private individuals are duly considered, and that sites and alignments are chosen so as to cause the minimum of expenditure, annoyance and loss compatible with the attainment of the object for which the land is required. In particular he will avoid lands which contain any religious buildings, tombs or grave-yards or lands to the acquisition of which there is likely to be religious objection. In cases of doubt he will consult the Collector.

Preliminary investigation before selection of land.

13. If a preliminary investigation is needed in order to determine what land is required and it is necessary to authorise officers to make a survey and perform other acts specified in section 4(*2*), the requiring officer will prepare, in communication with the Collector, a draft notification in Form 2A when the

land is required for the Central Government or in Form 2 in any other case and forward it to his superior officer for submission to the administrative department of Government for approval. When approved, the administrative department will refer the case to the Land and Land Revenue Department in order that the notification may be published in the *Calcutta Gazette*. On such publication due notice of the substance of the notification will be publicly given by the Collector at convenient places in the locality, and the Collector shall apprise the requiring officer of the issue of the public notice. The requiring officer shall not commence the investigation until he is satisfied of the issue of the notice. A copy of every such notification published under section 4 will be sent by Government in the Land and Land Revenue Department—

(*1*) to the Collector with instruction to publish locally as prescribed by section 4.

(*2*) to the requiring department concerned with intimation that after issue of the notice by the Collector, the Engineer or local officer of the department is authorised with his servants and workmen to enter upon the land and do all the acts required or permitted by section 4.

Objections shall not be invited at this stage, but if any objection is made, the Collector will deal with it under section 5A when the notification in Form 3 or 3A, as the case may be has been published.

Survey and preliminary plan of land.

14. On receipt from the Collector of intimation of the issue of the public notice (but not before), the officer entrusted with the preliminary investigation under section 4 may proceed, as may be necessary to examine the land, survey, dig, bore and otherwise ascertain its suitability for the purpose for which it is required, and shall prepare such a preliminary map or plan of land and collect such futher information as will assist the Collector in forming an estimate of the probable cost of taking up the land.

Use of settlement records in preliminary investigation.

15. Where the land to be acquired is land which has already been surveyed in the course of any settlement proceedings, or where such proceedings are in progress it may often be desirable that instead of resurveying the land the officer entrusted with the preliminary investigation should procure a copy of the map of the locality prepared in those proceedings, and mark on it the land to be acquired. He may also ask the Collector or Settlement Officer for information from the settlement records in order to ascertain the rates of rent, classes of tenures and other information necessary to enable him to form an estimate of the probable cost of acquiring the land.

Use of settlement map where not possible.

16. The use of the settlement map is not possible unless the land to be acquired is of sufficient area to be made out on the map prepared according to the settlement scale (*see* paragraph 39). The survey and settlement map cannot ordinarily be used for acquisition of lands required for railways, as the scales prescribed in paragraph 44 for railway land plans are different.

***16A.** Where the requiring department or authority, after holding a preliminary investigation in an area in respect of which a notification in Form 2 or 2A, as referred to in paragraph 13, has been published, decides not to proceed with the acquisition of any land within that area, the notification in Form 2 or 2A should be cancelled entirely. When, however, the requiring department or authority decides to acquire only a portion of the area similarly notified in Form 2 or 2A, the relevant notification in Form 2 or 2A, should be cancelled partially so far as the land remaining unacquired is concerned. The cancellation of the notification in full or in part, as the case may be, has to be done by publishing a fresh notification cancelling the same. In those cases where the notification has to be cancelled entirely the Collector should submit the necessary draft cancellation notification to the Land and Land Revenue Department, through the Commissioner of the Division and the administrative department, as soon as the decision is taken not to acquire any land within the notified area. In other cases where the notification has to be cancelled partially, the Collector should submit the draft cancellation notification along with the final report of the acquisition proceedings involved.

A Reconnaissance notification in Form 2 or 2A to be cancelled entirely or partially.

17. In every case, whether a preliminary investigation be made or not, when the requiring department, local body or company has selected the land to be taken up, it shall send to the Collector a map or plan, together with a memorandum specifying generally the nature of the land and stating whether it is waste, cultivated or residential and the number and character of buildings, trees, etc., standing on it, and an application for the preparation of a draft notification under section 4 in Form 3 or 3A as the case may be and for an estimate of the cost of acquisition. The application shall on receipt be entered by the Collector in the register of applications in Form 4.

Application for acquisition of land.

When the land is required for the Land and Land Revenue Department, the Collector himself will initiate proceedings on receipt of sanction.

In the case of acquisition of land, of which the cost has to be shown in the Works and Buildings Department accounts the Executive Engineer in charge of the work concerned, as the officer requiring the land, will apply to the Collector for the draft notification under section 4 in Form 3 and an estimate of cost.

When land is required for a Ministry of the Government of India, other than the Ministry of Railways, the local procedure for the acquisition of land will be in conformity with the instructions of the State Government. The seniormost officer of the Ministry in the State will be the requiring officer from whom requisitions for the acquisition of land will be accepted. For the Ministry of Defence the local representative is the Military Estates Officer who will apply to the Collector for the acquisition of land for that department.

18. The application shall set forth clearly the purpose for which the land is required. It shall specify the limits of the land, shall state the local names (if any) by which the land may

Particulars to be specified in the application.

*This paragraph is based on Government order No. 2966L.A., dated the 27th March, 1950.

be known, and shall contain such other particulars as may be necessary for the identification of the land. In the case of land required for railways or other large projects, the application shall be accompanied by a sketch map (or detailed plans if such plans have already been prepared), containing the particulars required by paragraph 3 of the orders of the Government of India in the Public Works Department Circular No. XI (Railway), dated the 21st September 1895, in Appendix K to the orders relating to the acquisition of lands for railways, promulgated with the Railway Board's Circular No. 889P—16, dated the 30th August 1918, printed as Part II of the Manual.

Application for temporary occupation of land to be separate.

19. If any land is required for temporary occupation only under section 35 of Act I of 1894, this should ordinarily form the subject of a separate application, in which the fact that permanent acquisition is not required should be clearly stated.

Procedure after receipt of application for acquisition of land and for hearing of objections under section 5A.

19A. (*1*) On receipt from the requiring officer or department of the application, map and memorandum referred to in paragraph 17, the Land Acquisition Deputy Collector of the district shall prepare a draft notification under section 4 of the Act in Form 3A if the land is required for the Government of India or in Form 3 in any other case. This is necessary in all cases of acquisition, even though the operation of section 5A may be suspended by an order under section 17(*4*). The Land Acquisition Deputy Collector shall at once submit the draft notification direct to Government in the administrative department except in cases of acquisition for a department of Government or a Railway in which case he shall send it to the requiring officer of the department or to the Chief Engineer of the Railway, as the case may be, for submission to Government in the administrative department, through the proper channel, with such report as is considered necessary. If the administrative department approves the draft notification it shall ask the Land and Land Revenue Department to publish the notification in the *Calcutta Gazette*. At this stage, the preparation of an estimate is ordinarily not necessary, but the Collector may, if he thinks fit, or if he is asked by the requiring officer, in order to prevent delay or for other reasons, cause an estimate to be prepared and send it to the requiring officer. The submission of the notification must not be delayed on account of the estimate.

(*2*) On the publication of the notification in the *Calcutta Gazette*, the Collector without waiting for the receipt of a copy of the notification or other order from Government shall cause public notice of the substance of the notification to be given at convenient places in the locality. This will ordinarily be done by affixing a copy of the notification at one or more place or places on or near the land proposed to be acquired and also at a conspicuous public place in the village or part of the town in which the land is situated. Copies of the notification shall also be posted in the Collector's office, Subdivisional Officer's office and the office of the requiring officer.

Copies of the notification shall also be served on such persons as are at this stage known or believed to be interested in the land proposed to be acquired. No elaborate or detailed enquiry need be made for this purpose. A local enquiry by such agency as the Collector may think fit, and an examination of (*1*) the

Land Registration Registers, (*2*) Settlement Records and (*3*) the Municipal Assessment Register, whichever may be relevant to the particular case, will ordinarily be sufficient.

(*3*) The Collector shall issue notices on the persons, who file objections within the period of thirty days after the date on which public notice of the substance of the notification is given in the locality, fixing a date, time and place for the hearing of the objections. In the case of a joint objection by a number of persons, the notice shall be served on the first or the principal objector. The objectors shall be allowed to adduce evidence in support of their objections if they desire to do so. Information shall also be given to the requiring officer of the administrative department or to the local authority or company at whose instance the notification under section 4 has been published, so that they may be represented at the hearing of the objections.

(*4*) When dealing with these objections, as well as when no objection has been filed, the Collector shall also examine the proposal for acquisition from the point of view of the instructions given in paragraph 12. He shall also consider and state in his report whether the proposed acquisition is likely to be prejudicial to agricultural interests.

(*5*) The Collector of the district shall submit to the Commissioner his report on the objections, together with the record of the proceedings, as required by section 5A(*2*) of the Act. The Commissioner shall record his opinion on the case in all cases and forward it to Government in the administrative department. If no objection be filed within the thirty days allowed by section 5A [*vide* paragraph (3) above] no proceeding under that section is necessary, but the Collector shall report the fact to Government in the administrative department, through the Commissioner, and shall also state whether there is any objection to the acquisition on public grounds as mentioned in sub-paragraph (*4*) above and paragraph 12. In either case, when the acquisition is for a railway, the Collector shall at the same time furnish the Chief Engineer of the Railway with a copy of his report to the Commissioner, together with a copy of the report, if any, of the officer making the enquiry under section 5A.

A draft declaration under section 6 of the Act, together with an estimate of the cost of acquisition and a plan of the land proposed to be acquired, shall also be submitted along with his report when the Collector recommends the proposed acquisition.

In the case of acquisition for a department of Government, the Collector shall at the same time furnish the requiring officer with a copy of the estimate.

The Commissioner will submit these documents direct to the administrative department concerned unless the acquisition is for a railway [*vide* sub-paragraph (*10*)].

The administrative department will then, in consultation with the Land and Land Revenue Department, issue final orders on the objections and on the proposal and communicate the same to the Land and Land Revenue Department for necessary action, with intimation, in the case of acquisition for a department of Government, that necessary provision of funds has been made.

(*6*) If it is decided that the land as notified under section 4 in Form 3 or 3A, as the case may be, shall be acquired, the Collector shall be directed to submit through the Commissioner a draft declaration under section 6, a plan and an estimate of the cost of acquisition, if these have not already been submitted.

(*7*) If it is decided that a part only of the land as notified under section 4 in Form 3 or 3A, shall be acquired, the Collector shall be directed to submit through the Commissioner, a draft declaration under section 6 for such part together with a plan and an estimate of the cost of acquisition.

(*8*) If it is decided that the acquisition shall not be proceeded with, the Collector of the district shall submit a draft notification to Government in the administrative department concerned, through the Commissioner, for cancellation of the notification in Form 3 or 3A, under section 4. This notification will be published in the *Calcutta Gazette* by the Land and Land Revenue Department. The same procedure shall be followed in respect of any part of the notified area if it is decided that such part shall not be acquired.

(*9*) The rules in sub-paragraphs (*2*) to (*5*) above will not apply in any case in which Government under section 17(*4*) of the Act have directed that the provisions of section 5A shall not apply. When it is proposed to ask Government to make such a direction the draft declaration under section 6 and estimate and plan shall be submitted to the Commissioner for transmission to Government in the administrative department along with the draft notification under section 4 [*see* sub-paragraph (*1*) above]: but the Collector shall first satisfy himself that there is no objection on the public or religious grounds mentioned in sub-paragraph (*4*) above and paragraph 12 and a certificate to this effect shall be given on the draft declaration. The notification will be in Form No. 3 or 3A as the case may be, but it will not contain the last sentence regarding filing of objections. On publication of the notification in the *Calcutta Gazette* it shall also be published at convenient places in the locality as required by section 4(*1*) and in the manner laid down in the first portion of sub-paragraph (*2*) above.

(*10*) In the case of acquisition for a railway the procedure prescribed in sub-paragraphs (*5*), (*6*), (*7*) and (*9*) above will be modified as follows. The Commisioner will send the draft declarations, plans, estimates and schedules received from the Collector, not direct to the administrative department concerned, but to the General Manager of the railway for transmission to Government in the Works and Buildings Department (Railway) with an intimation that necessary provision of funds has been made ; at this stage the land plans and schedules will be attested by the Chief Engineer or by the General Manager, as required by rule 66 of the Railway Board's Rules printed as Part II of the Land Acquisition Manual, 1917.

CHAPTER III.

Estimate and draft declaration.

Form of estimate.

20. The estimate referred to in paragraph 19A(*5*) and (*6*) shall be prepared, after verification by local enquiry of the particulars given. The form of the estimate should correspond with the form in which the award will be made and for rural areas Form 4A should be used.

In estimates for sites in towns or in exceptional circumstances the Collector must use his discretion as to the form to be used, but he should always adopt the method of calculation which is expected to be used in the award, and when the standard form is not adopted, the reason for departing from it should be stated briefly on the estimate.

In Railway projects there will be a separate estimate for each district through which the project passes but there will not be separate estimates for each mile.

When land which is already public property, *i.e.*, land in which no right adverse to Government exists, or when under the terms of the leases on which the land is held by tenants it can be resumed without the application of the Land Acquisition Act, is being taken up for a railway together with private land, it should be separately applied for and not included in the plans and notifications of private lands to be acquired under the Act. The market value of such land, together with the capitalized value of the abatement of existing land revenue, should, however, be included in the general estimate of the cost of land to be taken up for the work. But the additional compensation under section 23(*2*) of the Act should not be added to the market value of the Government land in such cases as directed in paragraph 61 of the Executive Instructions.

Importance of accuracy in the estimate.

21. The Collector will often find that his award will differ from the estimate as a result of his enquiry under section 11, but it is of the utmost importance that estimates should be as accurate as possible, and if they are prepared with care the variation between the estimate and the award will not ordinarily be large. Under-estimation embarrasses the requiring department, and over-estimation tends to produce extravagant claims. The orders of the Government of India (Public Works Department Circular No. XI-Ry., dated 21st September 1895, reproduced as Appendix K in part II of the Manual) emphasize the responsibility of the officers who sign estimates and require that explanations shall be called for when it is found that the original rates have been materially under-estimated.

Materials for valuation.

22. The Collector is required to attach to the estimate a certificate to the effect that "the estimate is fair and that the rates have been arrived at after local enquiry and inspection of the ground and with reference to the settlement records and road-cess papers (where available) and the records of the Registration Directorate." These records must be methodically examined and the information obtained as to rents and sales must be tabulated in a form in which it will be available for subsequent use. The form of tabulation will be decided by the Collector and where enquiries are made by his subordinates he must exercise close supervision over their work. General instructions for utilising these materials in valuing land are contained in Chapters V and VI.

Estimates by whom to be countersigned.

23. The draft declaration under section 6 in respect of the land covered by the estimate shall be prepared in accordance with the instructions contained in paragraphs 24 to 26 and in Form 5, 5A or 6 as the case may be. The Collector of the district will himself sign the estimate and the draft declaration after recording on the estimate that it is fair.

In the case of acquisition on behalf of a local body or company he shall ascertain whether the local body or company is agreeable to proceed with the acquisition on the estimate prepared, and shall say so when submitting the estimate to the Commissioner. Estimates of above Rs. 25,000 will be countersigned by the Commissioner in token of his acceptance. Estimates of above Rs. 1,00,000 will be further countersigned by the secretary Land and Land Revenue Department, after acceptance by the administrative department concerned.

The Commissioner will send the draft declaration and estimate to the General Manager of the Railway for transmission to Government in the Works and Buildings Department (Railway), and in other cases he will submit them direct to the administrative department concerned.

Declaration what to contain.

24. The law does not require that the declaration under section 6 shall specify the precise boundaries or area of the land to be taken. This, however, is advisable, though the declaration should be so generally worded that no impediment may afterwards arise from its terms to prevent the appropriation of all the land that can possibly be required. In areas which have been cadastrally surveyed the serial numbers of the settlement fields will ordinarily be a sufficient description of the land required. In the case of land required for a road, canal, distributary, railway, etc., unless there is any reason to the contrary, it will be sufficient to give in the declaration the approximate area in acres and decimals, length, breadth, and the general direction of the land for the line or channel, with the names of the districts, thanas, and villages through which it will pass.

Collectors should be careful to prevent discrepancies between plans and schedules and draft declarations with regard to boundaries, areas and names and limits of villages; and when they consider that the plans and schedules of land to be acquired for a department or company require any modification in respect of any discrepancy, they should communicate with the Executive Engineer or other officer of the department or company concerned and have the discrepancies reconciled before submitting the draft declaration, estimate, etc., to the Commissioner.

Form of declaration when land overlies mines of coal, etc.

25. When the land required for any purpose other than a purpose of the Central Government is known or supposed to overlie mines of coal, iron, stone, or other mineral, and when it is not considered necessary to acquire mining rights, the draft declaration under section 6 should be drawn up in Form 6.

Where, however, the land is required for a purpose of the Central Government, the draft declaration under section 6 should always be prepared in Form 5A. But if in any such case, the land is known or supposed to overlie mines or minerals as aforesaid and it is not considered necessary to acquire the mining rights, the Collector should exclude them from acquisition in exercise of the powers conferred upon him by section 3(*2*)(*a*) or 3(*2*)(*b*) of the Land Acquisition (Mines) Act, XVIII of 1885.

Officers employed in acquiring lands for public purposes should bear in mind that the interests of Government in mines and minerals on temporarily-settled estates will be best saved if claims to minor rights are enquired into and the grounds for

supposing the existence of minerals examined by the officers employed in the acquisition work, and the result reported for the orders of Government, who will decide in each case whether the claim should be admitted and whether the rights of the claimant (if admitted) should be brought up at once or held over for acquisition on occasion arising under the procedure laid down in section 3 of the Land Acquisition (Mines) Act, XVIII of 1885. Where no claim is made the ordinary procedure under the Land Acquisition Act, I of 1894, will cover the case.

Revised declarations and land plans how to be drawn up.

26. The following instructions shall be observed in drawing up revised declarations and land plans when the area to be actually acquired does not correspond with that declared for:—

(*i*) When the departure from the plan and declaration is trifling, there is no necessity to revise the declaration, unless objections are raised by parties interested.

(*ii*) When land is required in excess of or different from that specified in the notification under section 4 or the declaration under section 6, a new notification under section 4 and a new declaration under section 6 must be issued for that portion of land not covered by the previous notification and declaration, and the prescribed procedure must be followed in all respects.

(*iii*) The phrase "in supersession of declaration No. which is hereby cancelled" should not be used in the subsequent declarations of the kind specified in clause (*ii*) above, and they should be considered and treated as modifying and supplementing and not superseding.

(*iv*) When the land actually required is less than and included in the declared area, no fresh declaration is necessary. It is open to Government under section 48 of the Land Acquisition Act, I of 1894, to withdraw from acquisition of any portion not required of which possession has not been taken.

(*v*) When it is decided to acquire, at the instance of the owner under clause (*1*) of section 49, a portion of a house, manufactory or other building, not included in the original declaration, a fresh declaration is necessary for the additional area, but not a fresh notification under section 4.

27. Deleted.

Special procedure in cases of acquisition of land for large railway projects.

28. In the case of acquisition of land for large railway projects, the procedure indicated in paragraph 19A, so far as it requires submission of an estimate along with draft declaration, will be subject to this modification that, when the land is urgently required and the Railway Administration so desire, the draft declaration may be submitted without an estimate. Government in the Railway Department may then require the Land and Land Revenue Department to publish the declaration and issue direction to the Collector under section 7 of Act I of 1894 to take order for the acquisition of the land, in anticipation of sanction to the estimate; and the Collector, on receipt of the necessary

direction, will commence acquisition proceedings. He will obtain funds for payment due under his award, in the manner prescribed in rules 2 and 14 of the rules in Appendix 7, Civil Account Code, Volume I. In these cases a copy of the order authorizing the acquisition of the land should be furnished to the Examiner of Accounts of the Railway concerned and to the Accountant-General, West Bengal.

For the principles to be observed in the payment of compensation for land required for railway purposes, *see* section XI of the Railway Board's orders relating to acquisition of land for railway purposes issued with their circular No. 889P.-16, dated the 30th August 1918, embodied in Appendix II and printed as Part II of the Manual.

Special procedure for acquisition of land required for military purpose.

29. In the case of acquisition of land for any military purpose the procedure indicated in paragraphs 22 to 23 will be followed, the Divisional Commander being regarded as the requiring officer or local representative of the Ministry of Defence.

The cost of acquisition will be paid by the Civil Department and debited to the Ministry of Defence through the Exchange Accounts. Where the cost of the land is debitable to the Military Works estimates, a sanctioned estimate for any work may be regarded as authority for the acquisition of the land included in the estimate.

Desirability of acquiring a compact block of land for carrying out projects of several departments and local authorities or companies.

30. When land is required by several departments of Government and by local authorities or companies simultaneously in the same locality, it is often found advantageous to acquire a compact block of land on which the several projects can be carried out. This course is particularly desirable when the sites have to be raised before they can be used for building purposes. The raising of a compact area often provides a good tank, while the raising of a number of small isolated sites only results in numerous unsightly and insanitary hollows.

Under the Public Works Department Circular No. 3B., dated the 21st April 1917, the District Officer is ordinarily the president of the committee appointed to consider the selection of sites for civil buildings, and the District Officer usually has full information regarding land acquisition projects proposed by local authorities and companies in his district. In all cases, therefore, where a number of projects for land acquisition in the same locality are under consideration, the question of acquiring a compact block of land on which they can all be carried out should be duly considered in connection with the selection of the sites. Difficulties are, however, sometimes experienced owing to the inability of the departments concerned to provide the funds for land acquisition at the same time. When, therefore, the acquisition of a compact block for different projects is considered desirable, but the Collector is unable to arrange at once for the necessary funds in consultation with the local representatives of the departments concerned, he should report the matter, through the Commissioner, to Government in the Land and Land Revenue Department. Arrangements will then be made, if possible, by modifying the departmental programmes or otherwise, to provide the funds required for simultaneous acquisition.

31. When portions of land required for several projects simultaneously by different authorities (*e.g.*, by departments of Government whether Works and Buildings, Civil or Military, and by Local authorities) form one compact block, these several projects may, if the District Officer so orders, be treated as one project, and the entire block acquired under one notification and one declaration and with one award.

Procedure for the acquisition of land required simultaneously by different authorities.

The necessary funds for the acquisition of the land required for each department or local authority shall ordinarily be provided in the estimates of that department or local authority, the estimated cost in the latter case being deposited in advance in the Treasury.

Though the entire block may be acquired under one declaration and one award, separate award statements in Form A or B of Appendix 7 to the Civil Account Code, or in both, as the case may be, must be prepared for—

(*a*) the portion required for the Works and Buildings Department,

(*b*) the portion required for the Ministry of Defence, and

(*c*) the portions required for each Civil Department or for Bodies financially independent of Government,

when recourse is had to the provisions of rule 21 of Appendix 7 to the Civil Account Code.

These separate award statements must be submitted to the Deputy Accountant-General (Works and Buildings), the Examiner of Military Works Accounts and the Civil Accountants-General, respectively, in accordance with rules 15 to 18 of Appendix 7 to the Civil Account Code.

CHAPTER IV.

Plans, schedules and revised estimates.

32. The land plans prepared by the department or company requiring the land, are to be made up in sets for continuous portions of land, each set being complete for a revenue district or charge of a Collector or Deputy Commissioner. On each end sheet (first and last) of every set of Land Plans, a sufficient portion of the continuation sheet of the next set should be repeated, to enable the two sheets to be connected or traced together, if required. For each set of Land Plans the sheets are to be numbered consecutively throughout, and the name of the civil district to which the set belongs, as well as the name of the thana, should be marked conspicuously on each sheet. The measurements and areas in acres and decimals should be recorded in accordance with the survey divisions of villages. In the case of land required for a railway, the details thereof are to be given in schedules which should contain in substance the information provided for in the Forms A, B and C subjoined to paragraphs 33 and 34 below.

Plans to be prepared in continuous portions.

No classification of land into A and B to be made in the plans and schedules made out for first acquisition, in the case of a railway constructed by Government or by a Company under similar conditions.

33. In the case of a Railway to be constructed by Government, or by a Company under the terms of whose contract land is divided into two classes, "permanent" and "temporary," the plans made out for the first acquisition of the land will show the outer boundary line; and all land, for whatever purpose it may be required, will be taken up as for permanent occupation. This land will be distinguished on the Land Plans by being coloured pink.

Subjoined is the form of schedules which should accompany plans of such lands:—

A

Form of schedule for use in the case of Railways to be constructed by Government or by Companies under similar conditions.

Plan sheet No.——————

Railway——————

District——————

Schedule showing land required for the railway in—

Mile or miles——————

District——————

Reference to plan.		Name of village.	Name of pargana.	Area of land required (pink).	Purpose for which required.
Number of plan.	Sheets.				
1	2	3	4	5	6
				Acres and decimals.	

——————

Executive Engineer.

——————

General Manager.

——————

The 19 *Engineer-in-Chief.*

34. In the case of a railway constructed by a company, by the terms of whose contract (or other arrangement with Government) land has to be taken up under special classes A, B, C and D or under other conditions of a like nature, the plans made out for the first acquisition of the land for use of the Revenue authorities will show the outer boundary line and will be distinguished in the land plans by being coloured pink, and all land, irrespective of the purpose for which required, will be taken up as for permanent occupation. The plans retained by the railway authorities, however, will show clearly the boundaries of the land to be taken up under each of these classes.

No classification of land into A, B, C and D to be made also in the plans and schedules made out for the first acquisition in the case of a railway constructed by a company which is entitled to receive land free of cost under its contract or other arrangements with Government.

The schedule accompanying plans of such lands which will be retained by the Railway authorities may be drawn up in Form B or C appended below. But that required for use of the Revenue authorities should be drawn up in Form A sub-joined to paragraph 33.

B

Form of schedule for use in the case of guaranteed Railways and Railways constructed by other Companies under similar conditions.

Plan sheet No.————————

Railway————————

District————————

Schedule of land required for the use of the railway in—

Village————————

Pargana————————

District————————

Number of plan.	Purpose for which required.	Payable by Government.			Payable by Railway Company.
		A. (Pink.) Land for permanent occupation by Railway Company.	B. (Yellow.) Land for temporary occupation by Railway Company.	D. (Green.) Land to be occupied by Government permanently.	C. (Purple.) Land for occupation by Railway Company permanently or temporarily.
		Acres and decimals.	Acres and decimals.	Acres and decimals.	Acres and decimals.

General Manager. *Resident Engineer—Railway.*

Chief Engineer—Railway.

For particulars of the different classes of railway lands *see* paragraphs 6 to 8 of Railway Board's orders relating to the acquisition of land for railways, promulgated with their cricular No. 889P.-16, dated the 30th August. 1918.

C

Alternative form of schedule for use in the case of guaranteed Railways and Railways constructed by other Companies under similar conditions.

Plan sheet No.——————

Railway——————

District——————

Schedules showing land required for the railway in—

Mile or miles——————

District——————

Reference to plan.		Name of village.	Payable by Government.			Payable by Railway Company.	Purpose for which required.
Number of plan.	Sheets.		A. (Pink.) Land for permanent occupation by Railway Company.	B. (Yellow.) Land for temporary occupation by Railway Company.	D. (Green.) Land to be occupied permanently by Government.	C. (Purple.) Land for occupation by Railway Company permanently or temporarily.	
1	2	3	4	5	6	7	8
			Acres and decimals.	Acres and decimals.	Acres and decimals.	Acres and decimals.	

——————

Resident Engineer.

——————

General Manager.

——————

The *19* *Chief Engineer.*

35. The rules of departments prescribing the scales of their departmental plans are not uniform, but for railways, roads, etc., there should always be a separate plan for each mile, and the plans should be numbered consecutively. The area of the land to which each plan refers should be noted in acres and decimals (ordniarily up to two places of decimals, but in respect of town lands, bazars or village sites up to three or four places of decimals when necessary), on the face of the plan, as well as in an accompanying reference sheet or schedule. Where lands situated in different villages are covered by the plan, the boundaries of each different village, when intersected, should be distinctly shown; and the area of the portion included in each village should be shown separately in the plan and schedule. Each plan and schedule also should bear a note stating the purpose for which the land is required. The names of villages to which the land belongs are, in each case, to be written on the plan alongside of the line indicating the village boundary. If the boundary line crosses the railway line, the names are to be repeated on the other side of the railway line, and the chainage of the crossing point noted.

Scale of plans and manner of recording area.

36. When the boundary of a district does not coincide with the termination of a mile, a separate plan should be prepared for each of the broken parts of a mile on either side of the boundary, so as to keep the records of each district separate.

When the boundary of a district does not coincide with the termination of a mile, a separate plan to be prepared of the land on either side.

37. Detached portions of land should be referred to some fixed point on one of the main sheets, with the distances and the compass or other bearings, or such reference to the published maps of the neighbourhood as will ensure a ready identification of the land. A corresponding entry should, in each case, be made on the nearest main sheet to draw attention to the detached plot.

Detached portions of land to be referred to some fixed point on one of the main sheets.

38. The general correctness of the plans and schedules of land required for a railway will be attested by the Chief Engineer or the Engineer-in-Chief of the Railway concerned. In the case of land required for a line already open, the General Manager will also attest this by his countersignature.

This will be done before the plans and schedules, with the draft declaration, estimate, etc., are forwarded to Government, in the Works and Buildings Department (Railway) in accordance with the instructions contained in paragraph 19A (*10*).

It should be noted, however, that in the case of land required by Railway companies who are entitled to receive it free of cost from Government and who construct and work their own lines, no steps for acquisition should be taken until the land plans and schedules have been countersinged by the Government Inspector of Railways of the Circle concerned. Such countersignature will signify not that the Government Inspector of Railways accepts the correctness of the plans and schedules (for which the Agents themselves are responsible) but that he is satisfied that the land applied for is actually required for railway purposes.

Engineers' plans and schedules to be attested [*vide* Rule 66 of the Railway Board's Rules printed as Part II of the Land Acquisition Manual, 1917], and forwarded the Railway Department of Government, with the draft declaration, etc., for necessary action.

Use of settlement maps.

39. After the publication of the declaration, and the issue of the direction under section 7 of the Act, the officer who was entrusted with the preliminary investigation or, in case no such investigation shall have been held, some officer on behalf of the department or company for which the land is required—such department not being the Land and Land Revenue Department—will, if this has not already been done, mark out, on the requisition of the Collector, the boundaries of the land, and furnish the Collector with a plan or map unless such plan has already been prepared in the course of any settlement proceedings in which case a copy of the map then prepared may be furnished, with the land to be acquired marked on it, as provided in paragraph 18. The Collector will, in the first place, decide, in consultation with the requiring department or company, whether the settlement map should be used. It is to be remembered that in the case of minute plots, the scale of settlement maps is ordinarily too small, and the enlargement of a map, plotted to a certain scale, is of no value for determining the boundaries of plots which are too small to be made out on the plotted map. When it is decided to use the settlement map, it will not be necessary for the Collector to make a fresh survey, but he will proceed to verify the map and to deal with it in the manner laid down in paragraphs 42 and 45 below, and the settlement records should also be used both with a view to identify the proprietors and occupants of lands and to ascertain the rates of rent in force, so far as such rates can be determined from the settlement records. The areas calculated from the settlement map may also be accepted. When settlement operations are still in progress the Collector will pay for the copies of any papers which he may require from the settlement records and such cost shall be part of costs of the case.

The survey and settlement maps will not ordinarily suffice for the acquisition of lands required for railways, as the scales prescribed in paragraph 44 below for railway lands are different.

Demarcation and survey.

40. When the survey settlement map cannot be used, the Collector will proceed to make a detailed survey of the land and will require the officer deputed for the purpose by the department or company requiring the land to point out its boundaries during the survey to be made by him. For the purpose of his survey the Collector may employ any of his subordinate staff who is a competent surveyor. In important cases sanction to a special establishment must be applied for. The cost of this establishment and all other charges incurred for the purposes of the acquisition will be costs in the case.

All surveys should be made by plane table traverse followed by a plane table cadastral survey, and the surveyor should prepare a detailed schedule of his survey and measurements in Form 7 and an abstract, or khatian, grouping together the plots of lands and other property found in the possession of each person interested.

Demarcation and map, etc., when land is required for the Land and Land Revenue Department.

41. If the land be required for the Land and Land Revenue Department, the necessary demarcation and the preparation of the map will be carried out by an officer deputed for the purpose by the Collector. The instructions in paragraph 39 above as to the use to be made of settlement maps and records apply also to the acquisition of land for the Land and Land Revenue Department.

42. The plan or map should be prepared on paper of the same quality as that used by the Survey Department for village maps or on tracing cloth, but in case of lands required for railways, roads, embankments, drainage, canals, etc., plans should always be made on tracing cloth.

Paper or tracing cloth to be used for plans.

43. The plans of all ordinary land acquisition projects and also of such Works and Buildings Department projects, as roads, embankments, drainage, canals, etc., should ordinarily be on the scale of the settlement maps, *i.e.*, 16 inches to a mile, which is equivalent to 330 feet to an inch. For congested areas acquired in all such projects in large towns and in other cases where the plots are very small, a larger scale of 165, 82½ or 41¼ feet to an inch may be used. In the town of Calcutta and areas adjacent to it where the survey maps are on a scale of 50 feet to an inch, the acquisition plans should ordinarily be prepared on that scale. These larger scales may also be used, if necessary, in the case of buildings. The scales to be adopted for plans of railway projects are laid down in paragraph 44 below.

Scale of survey in non-railway projects.

44. In the case of lands to be acquired for railways, the plans prepared by the Land Acquisition Officer should be on a scale of 100 feet to an inch; but in congested areas in large towns, such as Calcutta and its suburbs, and in other cases where the plots are very small, a scale of 50 feet to an inch may be used, if necessary. When, however, the land to be acquired for any railway forms an addition to that already previously acquired, the land plans of which were plotted to scale of 150 feet to an inch, the plans showing the additions may be drawn to the same scale as the original plans, viz., 150 feet to an inch.

Scale of survey in railway projects.

The scales to be used by requiring officers in the case of railway lands are laid down in paragraph 60 of ~~Appendix II~~. In acquiring lands for light railways or tramways the same scales should be used by the requiring and acquiring officers, respectively, as in the case of lands for railways, but in other respects such lands are not to be treated as railway lands, and the special rules regarding the preparation of the plans of railway lands do not apply to them.

45. The map should show in one or more clearly coloured blocks the land acquired under the declaration and the scale on which it has been prepared. In the margin of the plan it should be stated that "the land coloured (pink) in this plan, has been acquired under declaration (*note number and date*) for (*specify purpose*) and contains an area of so many acres." The description, where possible, should enumerate the boundaries on all sides. These particulars should be transcribed in English in the Collector's office. In cadastrally surveyed areas the serial numbers of the acquired settlement fields should be mentioned. In other areas the land should be referred in the plan to some fixed point in an authoritative map of the neighbourhood, the distances and compass or other bearings being given so as to ensure its ready identification. In the case of detached portions of railway land the instructions in paragraph 37 should be observed.

Colourings and marginal descriptions in plans and identification.

Additional requirements of amin's plans for all railways, roads, embankments, drainage, canals, etc.

46. The amin's maps for all railways, roads, embankments, drainage, canals, etc., should severally correspond with those of the professional officer, and each should represent a mile, according to the marks on the ground where the termination of each mile is represented by a cross nicking. The maps must show the different holdings, while the boundaries of each village must be differently coloured, and the name of the village written alongside of it.

Each plot or *dag* of the amin's measurement is to be numbered consecutively from the beginning of each mile; and the area of each plot in acres and decimals (ordinarily up to two places of decimals, but in respect of town lands, bazar or village sites up to three or four places where necessary) with the name of the proprietor should be noted on the face of the plan. In the cases of land required for railways a schedule showing the area of land in each mauza should be given on the face of the plan. The position of the boundary of land is also to be determined by dimensions written on the plan; these dimensions should be sufficiently complete to enable such boundaries to be, at any time, readily ascertained and verified.

Form of schedule to be prepared from amin's plan relating to projects referred to in the preceding rule.

47. From each separate plan relating to the projects referred to in the preceding rule is to be prepared a separate schedule in Form 7. A separate plan and schedule must be prepared for each of the broken parts of a mile on either side of the boundary of a district, so as to keep the records of each district separate. Similarly when the termination of a mile does not coincide precisely with the boundary of a holding, the holding must be broken up into the portions lying on either side of the termination of a mile, and entered in the schedule accordingly.

Testing of survey and measurement papers.

48. On receipt from his amins of the plan, measurement papers and schedules, the Collector should test them by comparison with the map and specification of area supplied by the department for which the land is required, and if discrepancies are found, he should have enquiry made, and, if necessary, call on such department to point out the boundaries a second time. When the Collector has satisfied himself that the two plans, viz., the requiring officer's and the amin's, represent the same land, he ought, where this appears advisable, to have the survey tested on the spot. He will also test the correctness of the amin's work in every particular, making any alterations that he may think necessary in red ink, and returning the rough copy to the amin to be copied fair, as finally approved.

When a long stretch of land is to be acquired for a railway, road, embankment, canals, etc., the plan and schedule of each mile or part of a mile, as soon as it is completed, should be submitted by the amin to the Collector for testing its correctness.

Regarding the local verification of the amin's plans discretion must be exercised by the Land Acquisition Officer. In cases of large and important projects or of disputed measurements a personal local verification should be made: in minor projects the agency of a Sub-Deputy Collector or Kanungo may suitably be utilized for the purpose, if available. The Land Acquisition

Officer is required to satisfy himself that the plans are correct, and although in some cases this may be satisfactorily established by a comparison only of the amin's plans with those submitted by the department or company on whose behalf the proceedings are being taken, the necessity of local verification by some superior officer should be dispensed with sparingly.

Further enquiry into rates and values.

49. The Collector will then consider the estimate. In small projects in which all the available materials have been fully considered in preparing the estimate, and in which the procedure under section 8 has disclosed no new information, a revised estimate will not be required and he will proceed at once to issue notices under section 9. In large projects in which the estimate is the result of calculations based on detailed information which does not cover the whole area, he will proceed to make a detailed enquiry as to the rates of rent and sales, the quality of the land, the value of houses and trees and the conditions of tenancy, and in conducting his enquiry he will make use of all the materials specified in paragraph 22 and of the tenants' rent receipts, and he will cause the information to be recorded methodically. If a subordinate officer is deputed to make enquiries he must work under the close supervision of the Collector.

Revised estimate. Any material excess over estimate to be specially reported.

50. With information thus obtained the Collector will be in a position to revise the estimate, if necessary, and in doing so the greatest care must be taken. The particulars of the revised estimate should be recorded in Form 4A prescribed by paragraph 20 and if it exceeds the estimate by more than 20 per cent. the Collector should stay proceedings and report the probability of such excess to the Executive Engineer, in the case of land required for public works purposes, or in the case of land required for any other department or for a company, to the chief local representative of the department or company for which it is required, that it may be ascertained whether the object sought cannot be otherwise secured, either by obtaining some plot of land other than that originally contemplated, or in some other way.

Procedure on revision of estimate.

51. The revised estimate will be signed by the Collector of the district and if it exceeds the preliminary estimate by more than 20 per cent. it will be accompanied by an explanation of the excess. If it exceeds Rs. 25,000 it will be countersigned by the Commissioner, who will forward the same to Government in the administrative department in the same manner as prescribed for the original estimate in paragraphs 19A and 23. If that department decides to proceed it will accord the sanction of Government to the revised estimate and issue instructions to the Land and Land Revenue Department to proceed with the acquisition or to postpone the proceedings until funds are available. If the administrative department decides not to proceed it will ask the Land and Land Revenue Department to drop the proceedings taken for acquiring the land. When the estimate exceeds Rs. 1,00,000 and the Land and Land Revenue Department is the administrative department, similar action on the estimate will forthwith be taken by that department instead of its being forwarded to the officer requiring the land. In cases where any authority subordinate to Government is empowered to sanction the cost; the revised estimate will be submitted for the sanction of such authority, who will also take similar action and report for the information of Government what action has been taken.

Procedure to be followed when the amount of interest provided for in an estimate is inadequate.

***51A.** When the amount provided for in a sanctioned estimate on account of payment of interest under section 34 of the Act proves to be inadequate for the purpose but the estimate is found otherwise to be in order, the Collector should immediately submit, through proper channel, a revised estimate for the sanction of Government and allotment of the additional amount required. But award and payment of compensation need not be held up for such sanction and allotment. In order to avoid delay in payment of compensation and accrual of further interest, the Collector is authorised in such cases to award and pay compensation with the full amount of interest payable under the said section in anticipation of sanction of Government, as in the case of additional compensation awarded by a Court (*vide* paragrph 102 of these instructions). This procedure should be followed in cases of acquisition of land in behalf of Government. When a similar contingency arises in a case of acquisition for a local authority, a company or a private institution, the Collector should at once send up a revised estimate for the sanction of Government and simultaneously take immediate steps to obtain the additional funds required for the purpose from such local authority, company or institution and to pay the compensation money with the full amount of interest, without waiting for the sanction of the revised estimate by Government. While requisitioning the additional funds from these bodies, the Collector should inform them that delay in placing the funds at his disposal would make them liable for further interest charges.

Detailed estimate in Railway projects.

52. In Railway projects the revised or detailed estimate will be drawn up separately for each mile, and will be countersigned by the Commissioner irrespective of its amount and of divergence from the preliminary estimate and by Government in the Land and Land Revenue Department if it exceeds Rs. 1,00,000. It will then be sent to the Railway authorities for obtaining sanction and for indicating the head to which the expenditure will be chargeable. After delivering possession of such waste and arable lands as have been the subject of orders under section 17, and after acquiring such homestead lands as the Railway authorities desire to be handed over to them immediately, the Land Acquisition Officer will proceed to prepare the revised or detailed estimates mile by mile, and to hold enquiries and make awards as sanction is received. He should arrange this work in such a manner as will keep the whole of his staff fully employed, and should begin to hold his enquiries and make awards for the miles for which estimates have been sanctioned, while materials are being collected for the detailed estimates of subsequent miles.

CHAPTER V.

Notices, enquiry and award.

Issue of notices under section 9.

53. As soon as the revised or detailed estimate has been sanctioned the Collector will issue the notices prescribed by section 9 of the Act and by section 10, if necessary, on the persons interested in the land or occupiers (if any) of such lands. He shall at the same time inform the local authority, railway or other company

*This is based on the instructions issued in Government Order No 12932 (13) L. A., dated the 25th September, 1951

who have, under section 50(*1*), to defray the charges of the land acquisition, of the day on which the enquiry under section 11 is to be held, or to which it may be postponed; and shall give such authority or company an opportunity of appearing by a representative or agent to contest the claims of the claimants to compensation and to produce evidence, before the award is made, as to the value of the land; and when making the award he shall take into consideration any representation which such officer may make, whether it is made orally or by letter. Should the land be occupied by, or any portion of it belong to, or be in the possession of, Government, the personal notice required by the law should be served on the chief local representative of the department interested. The forms of notice are Forms 8, 9 and 10.

Municipal authority to be treated as person interested in respect of premises acquired within the municipal area.

A Municipal authority should be treated as a person interested in the land in respect of any premises within the municipal area and special notices under sections 9(*3*) and 9(*4*) should be served on such authority.

Special notice to be served on the Commissioner of Wakfs, when wakf property is acquired.

53A. Section 74 of the Bengal Wakf Act, 1934 (Bengal Act XIII of 1934), which is reproduced below, requires that in case of acquisition of a wakf property, a special notice of acquisition should be served on the Commissioner of Wakfs to enable him to appear and plead as a party to the proceedings within three months from the date of receipt of such notice. The Collector should take particular care to see that the statutory requirements of the said section are fulfilled.

Section 74 of the Bengal Wakf Act, 1934.

74. (*1*) If, in the course of proceedings under the Land Acquisition Act, 1894, it appears to the Collector before an award is made that any property under acquisition is wakf property a notice of such acquisition shall be served by the Collector on the Commissioner and further proceedings shall be stayed to enable the Commissioner to appear and plead as a party to the proceedings at any time within three months from the date of the receipt of such notice.

(*2*) Where the Commissioner has reason to believe that any property under acquisition is wakf property he may at any time before an award is made appear and plead as a party to the proceedings.

(*3*) When the Commissioner has appeared under the provisions of sub-section (*1*) or sub-section (*2*) no order shall be passed under section 31 or section 32 of the Land Acquisition Act, 1894, without giving an opportunity to the Commissioner to be heard.

Unit of area in a land acquisition case.

54. It is often necessary to make separate awards for different portions of the land covered by a single declaration. The objects aimed at are: (1) facility in calculating the true value of the interest of each person claiming compensation for the land: (2) avoidance of delay in payment of compensation to parties whose claims are undisputed by the amalgamation of their

claims with those of others which are disputed: (3) intelligibility of the award: (4) expeditious disposal of work: (5) prevention of inconvenience to landlords and the Court through the multiplication of references in which the points at issue are identical. In deciding how many awards should be made certain general principles should therefore be observed:—

I. To prevent overlapping the same piece of land should never be included in more than one award.

II. Subject to the following provisos there should ordinarily be one and only one award for all the land which is contained in one periphery and in which the superior interests (*i.e.*, the interests above those of raiyats) are identical—

(*a*) Although the superior interests are identical in contiguous mouzas there should ordinarily be separate awards for separate mouzas.

(*b*) The principle contained in clause (*a*) need not be rigidly followed when the mouza boundary is mainly artificial and is not recognised by the landlords and tenants but at the time of making the award a note should be recorded showing the area and the amount of compensation which should be entered in the returns against each mouza.

(*c*) Where different raiyats under the same superior interest have different histories or hold under markedly different rates of rent, it is better to make separate awards for each group of homogeneous raiyats.

III. When it appears in the course of the enquiry under section 11 that the lands of certain raiyats are the subject of disputes which are likely to delay the award, the lands of these raiyats should be reserved for one or more separate awards. Similarly, when the enquiry under section 11 shows that a group of raiyats which was supposed to be homogeneous is not so in fact, the group should be subdivided and separate awards should be made for each homogeneous sub-group.

IV. Projects for railways, roads, canals and embankments should be dealt with on the same general principles as other projects; but at the time of making the award a note should be recorded showing the area and amount of compensation which should be entered in the returns against each mile, as well as against each mouza or part of a mouza within that mile.

General register of cases.

55. All officers employed in acquiring land are to keep a register of land acquisition cases in Form 11, in which the particulars of each case shall be entered separately. This register is intended to serve three principal objects, viz., (1) to show the cases which are pending and the volume of work, (2) to furnish the information required for altering the Collector's General Land (Registration) Registers as required by paragraphs 114 to 120 and (3) to fulfil the purpose of a khatian for the final report on the land acquisition proceedings.

In cases of railways, roads, embankments or canals, such registers should be separate for each unit of a mile or portion of a mile to correspond with the separate plan and schedule of the amin or surveyor (*see* paragraph 47), and should be opened

as soon as the khatians are ready. The separate registers for the whole scheme will be stitched together on the completion of the proceedings.

The register cannot be completed until the proceedings are finally closed, but the officer entrusted with the work of acquisition should at once test the correctness of the areas entered in it by comparing the total area which it shows (which must of course be identical with that shown in the corresponding plan and schedule of the amin or surveyor) with the gross area of the whole mile as shown in the original plan (*see* paragraph 35). If the result be a difference of more than 2½ per cent. the cause must be investigated and (if correction is impossible) recorded. But correction must always be made where practicable, as a difference of area is a proof that one of the two plans is incorrect.

Order sheets.

56. To ensure that land acquisition cases are treated with despatch and are not lost sight of and that the procedure is in accordance with the law, the orders issued at all stages of the proceedings will be recorded on order sheets, and every order must specify the date on which the case is to be put up.

For each project there will ordinarily be three order sheets which may be called (1) preliminary order sheet, (2) project order sheet, (3) separate case order sheets (one for each case as determined in accordance with rule 54).

(*1*) *Preliminary order sheet.*—This will generally begin with a reference to the letter of the requiring officer or department asking for a plan and estimate of the land to be acquired. It will contain all the orders issued to surveyors, whose programmes should be carefully fixed by the Land Acquisition Officer, and it will contain the orders (if any) relating to proceedings under sections 4 and 5, and it will end with the submission of the draft declaration under section 6.

(*2*) *Project order sheet.*—This will be opened on receipt of orders for acquisition under section 7, and will contain the orders relating to the detailed survey, the schedule of plots, the revised map and revised estimate (if any), the constitution of separate cases, and the issue of notices under sections 9 and 10. In the case of large projects for railways, roads and canals there will be a separate project order sheet for each mile of the project.

After the issue of notices under sections 9 and 10 the orders peculiar to separate cases will be written on the order sheets of those cases, but orders relating to the whole project or mile of the project will from time to time be entered on the project order sheet, *e.g.*, orders relating to local enquiries affecting the whole project, to the preparation of the award statement in Form A, to applications for allotment of additional funds, etc. The orders relating to the preparation of the final report and to the deposit of the record in the record-room will also appear in the project order sheet.

(*3*) *Separate case order sheets.*—There will be a separate case order sheet for each separate case constituted under paragraph 54. It will open with an order recording the date which has been

fixed by the notice under section 9 for making claims, and all subsequent orders relating to the service of notices under section 9, the enquiry and award under section 11, the issue of notices of the award under section 12, the adjournment of the enquiry under section 13, the taking of possession under sections 16 and 17 and the application for reference under section 18 shall be recorded thereon. General orders relating to local enquiries which cover the whole project or mile of a project may be entered on the project order sheet so long as sufficient entries are made on the separate case order sheet to show clearly the course of the enquiry and the dates fixed for each stage of it. In large offices rubber stamps should be provided to facilitate the entry of the commonest orders. For the purposes of sections 12, 18, 25, 29 and 31 it is essential that the record of the Collector should show clearly which of the interested parties received notices under section 9 and whether the dates to which the enquiry was adjourned were duly announced, so that those who received notices under section 9 had opportunities of making claims [section 25 (*2*)], which of the parties were present personally or by their representatives when the award was made [sections 12(*2*) and 18(*2*) (*a*)], when the notice under section 12 was served [section 18 (*2*) (*b*)], whether the several persons interested agreed in the apportionment of the compensation (section 29) and whether any interested party who received payment did so under protest (section 31). The necessary information on these points should be recorded on the order sheet.

Position of a Land Acquisition Officer.

57. (*1*) The Collector in making an enquiry and award under section 11 is, in no sense of the term, a judicial officer but acts as the agent of the Government or of the Company for which Government take up the land. The enquiry and valuation made by him are not judicial proceedings, but are departmental in their character, for the purpose of enabling the Government to make a tender through him to the persons interested; and it is open to him in making his award as to the compensation to be offered, to consider all available information on the question. It is also open to the Government to issue instructions as to the information the Collector is to take into account in making his valuation, and as to the course to be taken by him when he finds, as the result of his enquiry, that the amount of the compensation, which in his opinion should be allowed for the property, largely exceeds the estimates on which the acquisition was sanctioned.

(*2*) Whenever proceedings under the Act are conducted by an Assistant or Deputy Collector empowered, under the provisions of section 3, to act as a Collector, such officer may, if the amount of his intended award be within the sanctioned estimate except in the cases noted below, make the award without further reference. If it be beyond the amount of the sanctioned estimate, or if the amount of compensation which it is proposed to tender, exceeds in any one case Rs. 10,000, he must consult the Collector of the district demi-officially, and take into consideration such information as to the proper valuation as that officer may communicate to him, and follow such instructions as he may give as to the information that should be taken into account in framing the award. The Collector of the district, however, is at liberty, if he sees fit, to require a reference to be made to him in all cases before the award is given. But the Land

Acquisition Officer shall, in every case, prepare an award-note in which he shall give full reasons for his valuation, stating in particular—the conditions noticed by him during his local inspection, the evidence, if any, tendered by the persons interested in support of their claims, the reasons for his conclusions about the evidence, and also other evidence, documentary and oral, on which he relies and which it may be necessary to produce in Court in case of reference. This note will be the "brief" for the Government Pleader if the matter is taken to Court. It will not form part of the case records, but should be kept as a confidential document in the custody of the Land Acquisition Officer.

(*3*) In order to protect the interests of Government in cases where land is granted free of cost to a railway it is incumbent on the Collector of the district, or should he himself not be making the award, the Land Acquisition Officer so authorized, through him, to refer to the Government Inspector of Railways of the Circle or the General Manager of the Railway Administration or his representative, as the case may be, all cases in which the awards are likely to exceed the original estimates by more than 10 per cent. or by more than Rs. 10,000. The Government Inspector or the General Manager of the Railway will then decide whether it is advisable for him to be present and, if so, will inform the Collector or the Land Acquisition Officer (through him) to that effect within one month of the date of receipt of the reference. If no such intimation is received by that date the Collector or the Land Acquisition Officer will proceed to make the award accordingly assuming that there is no objection to it.

(*4*) It is to be distinctly understood, however, that while it is open to the State Government to require that the proceedings of the officer framing the award under section 11 shall be laid before a superior authority before the award is actually made, and while it is open to that superior authority to give the Land Acquisition Officer any information which it may have as to the proper valuation of the land or instructions as to the information which the Land Acquisition Officer is to take into account in framing his award, the superior authority is not competent to direct the Land Acquisition Officer to award any particular amount as compensation. Such action would virtually result in the award being made by some authority other than the officer holding the enquiry under section 11. When the Land Acquisition Officer after considering all the information placed at his disposal, either in the course of the proceeding under section 11, or extra-judicially by Government or other authority superior to him, has finally decided the amount of the award to be made, the only alternatives open to Government are either to withdraw from the acquisition proceedings, subject to the provisions of section 48 of the Act, or to allow them to proceed on the basis of the Land Acquisition Officer's award.

These instructions are based on the orders of the Government of India contained in Appendices II and V in this Manual.

Method of conducting enquiry

58. It is the duty of the Collector to conduct his enquiry in such a manner that the parties interested may have full opportunities for stating their claims and having them considered. It is not desirable for the Collector to insist on the use of

any prescribed form for the submission of claims, but he should explain carefully the provisions of sections 23 and 24, and, particularly when the interested parties are illiterate, he should advise them as to the form in which their claims should be made: this will not only assist the parties in conducting their cases, but will facilitate work in the Collector's office.

If, as will usually be the case, the Collector on receipt of all the claims fixes a date for local enquiry, the parties should receive notice of the date of the local enquiry and should be given opportunities of explaining and supporting their claims on the spot. When as the result of his local enquiry and of the information previously obtained the Collector is able to announce on what basis he proposes to calculate his award, he should do so at the time of his local enquiry. Otherwise he should, if possible, before the date fixed for the conclusion of the enquiry inform the parties to what extent he accepts their claims, so that they may not be put to the trouble of adducing further evidence to establish claims which he has accepted, and may have grounds for deciding whether they shall contest the award. This procedure is likely to result in the acceptance of the amount of the compensation and of the apportionment of it in the majority of cases, whereas when the parties do not know the Collector's intentions they are likely to adduce unnecessary evidence and when they do not understand how he has arrived at his valuation they are less likely to accept it.

Award to be made in all cases.

59. It will be observed that the Collector is required by section 11 to make an award in all cases whether the claimants attend the enquiry or not and whether they agree or do not agree to the compensation fixed by him. If a dispute arises as to the apportionment of the award the Collector has the option of referring it for the decision of the court under section 30, but if he does not do this he must apportion the compensation, though he must take care not to make payment before the time for reference has expired. Every claim should be disposed of with a written order of the Collector.

Municipal authority to be compensated for arrear dues of municipal taxes.

A Municipal authority should be made a party to the award whenever any premises, or a part of a premises, within the municipal area is being acquired and the municipality should be compensated in respect of the arrear dues of municipal taxes.

Form of the award.

60. The form for award is Form 13. It should be written out, signed and dated before any payment is made.

Additional compensation calculated on market value only.

61. The attention of Collectors is called to the provisions of section 23(*2*), by which an additional compensation of 15 per cent. on the market value, not on the total award, is to be paid to the owners of the land occupied. In other words, 15 per cent. is not to be added to compensation awarded in consideration of any of the matters specified in clauses 2 to 6 of section 23(*1*). A table is given in Form 14 for calculating the additional compensation. Collectors should be careful, when making an offer for the land to be taken, to see that that offer is based strictly on the grounds prescribed by the law. They should also, at the time of making the offer, inform the proprietors that they will receive 15 per cent. over and above the market value of the land. If this be not borne in mind, it will sometimes happen that 15 per cent. will go to the proprietors in excess of what they agreed to, or of what the Collector intended to award.

When land, which is already public property, is transferred to a railway no additional compensation under section 23(*2*) of the Land Acquisition Act is to be added to the market value of such lands.

When land, which is already public property, is transferred to a local body, no additional compensation similar to that admissible under section 23(*2*) of the Land Acquisition Act should be added to the market value of such land unless the said transfer necessitates the State Government in having to pay a solatium to any other party for the compulsory acquisition of land required by them on account of the transfer.

On trees, houses, etc.

62. As under section 3, trees, houses, crops, and other immovable things standing on land under acquisition for public purposes are included in the definition of the word "land," the value of such things *minus* the cost of repairs of houses should always be included in the Collector's estimate of the market value of the land, and the additional compensation under section 23(*2*) must be paid on the lump sum.

Award may not be amended except in certain cases.

63. When the Collector has made his award under section 11 he is not competent to amend it or to make a supplementary award except in cases of clerical error, error of calculation or manifest omission to deal with a part of the claim made by an interested party.

Account officers to whom statements of awards are to be sent.

64. Statements of awards (Forms A and AA in Appendix 7 to the Civil Account Code, Volume I), should be sent in all cases, whether of temporary occupation under Part VI of the Act, or of permanent acquisition, except in the case of land taken up for private parties under section 51 of the Bengal Irrigation Act, 1876, to the officers named below:—

Accountant-General, West Bengal.	If the land is acquired for any purposes of the Works and Buildings Department, for any Civil Department, or for any local fund, or other authority financially independent of Government.
Examiner of the Railway Accounts concerned.	If the land is for a railway.
Examiner of Military Works Accounts.	If the land is for the Military Works Department.
Controller of Military Accounts.	If the land is for any purposes of the Ministry of Defence.
Accountant-General Posts and Telegraphs.	If the land is for the Postal or Telegraph Department.

The award statement (Form A) should be despatched immediately after the award is made in each case, and the subsidiary statement (Form AA) should be despatched as soon as all the compensation has been disbursed in one or more of the methods enumerated in that form.

In all cases in which the proceedings will be finally confirmed by the Commissioner as explained in paragraph 121 the award statement should be marked "To be returned to the Commissioner of the.....Division"

CHAPTER VI.

General principles of valuation.

Interests of proprietors to be distinguished according to their status.

65. In calculating the compensation due to proprietors it is necessary to consider the differences between the interests of the following:—

(*1*) Proprietor of permanently-settled estate.

(*2*) Proprietor of temporarily-settled estate who is in possession of his estate.

(*3*) Proprietor of temporarily-settled estate who is in receipt of malikana.

The two former are entitled to abatement of the revenue of the land required under Government rules 4 and 5. In permanently-settled estates any future increase in the assets will be appropriated by the proprietor, whereas in temporarily-settled estates any increase will be shared by Government on the revision of the demand of land revenue: therefore normally the value of the interest of the proprietor of a permanently-settled estate is represented by a greater number of years' purchase of the income from the land acquired than the number of years' purchase which represents the interests of the proprietor of a temporarily-settled estate.

In calculating the value of the interest of the proprietor of a temporarily-settled estate which is under the management of Government or leased to a farmer the circumstances of the individual case must be considered. When there is no probability of the proprietor assuming the management of his estate he may be suitably compensated by the award of the capitalised value of the amount by which his malikana will be reduced after the land has been acquired. When the proprietor is likely to assume the management of his estate the value of his interest will normally be represented by a greater number of years' purchase of the malikana which number will vary according to the circumstances of the estate and the number of years which are likely to intervene before he assumes management. When there are several joint proprietors in a temporarily-settled estate, some of whom have taken settlement while others have stood aside, those who have taken settlement will ordinarily receive a larger share of the total compensation awarded to the proprietors than those who have stood aside. Each case of this sort will be dealt with on its merits.

Landlord's interest.

66. The simple form of estimate prescribed in paragraph 20 contemplates a case in which the interest of the landlord is confined to the right to receive permanently rent at a fixed rate, and the value of this interest is calculated by deducting the cost of collection and of repairs (in the case of house property) and the Government revenue and capitalising the net annual profit, and in such cases this is the correct method of valuation of the landlord's interest, and the interests of other parties can be separately valued. But there are varying conditions which affect the nature

of a landlord's interest, and these must be taken into consideration. Thus the value of the interest of the landlord is greater in proportion as the fixity of the tenure of the interested party subordinate to him is less, and in cases in which the holder of the subordinate interest can find purchasers for his interest in the open market subject to the consent of the landlord and on payment of a fee by the purchaser, the landlord is entitled not to a share of the sale price which his tenant can obtain in the open market irrespective of the landlord's consent to the sale, but to compensation for the loss of his prospective chances of obtaining a fee from a purchaser. In large estates where there are reliable accounts of the annual income from transfer fees, and where the income from such fees is distinguished from the income derived from premiums on the settlement of new or abandoned holdings, it may be possible to estimate this loss by a calculation based on the normal annual income from such fees and of the proportion of the land under valuation to the total area of the landlord's property. Reliable accounts are not however usually forthcoming, nor would they form a satisfactory basis for calculation in small estates, and the compensation for this loss can generally be given most conveniently by taking it into consideration when deciding at how many years' purchase the net annual profit should be capitalised. If the number of years' purchase is based on evidence which shows in the case of private sales how many times the rent-roll or the net annual profits after deducting collection charges are taken to make up the sale price, the value of transfer fees will have been taken into consideration in those private sales, and no further compensation for loss of prospective transfer fees is due. But if in the absence of evidence respecting private sales the number of years' purchase is fixed on the general principles described in paragraph 68, and transfer fees have not been estimated in calculating the net annual profits, it is proper to award a somewhat larger number of years' purchase in estates in which transfer fees are paid than in those in which they are not paid. Whatever method is adopted it is most important that the award should show clearly that the question of transfer fees has not been overlooked, and if compensation has been awarded for the prospective loss of transfer fees, in what manner this has been done. It must be remembered that the acquisition of an occupancy holding under the Land Acquisition Act is not a transaction which requires the landlord's consent, and a landlord is not therefore entitled to receive as compensation one-fourth (or whatever the customary portion may be) of the amount awarded to the raiyat as compensation for his interest.

In the case of town lands occupied by tenants-at-will, in which no one subordinate to the landlord has any interest which would fetch a price in the market if sold, the landlord's compensation can sometimes be estimated better by a consideration of the evidence of sales than by a consideration of the rent which the landlord receives.

Tenants' interests.

67. The values of the interests of tenure-holders, raiyats holding at fixed rents or rates of rent, occupancy raiyats, non-occupancy raiyats and tenants-at-will depend on the varying conditions of their tenancies. Ordinarily where the party has a saleable interest, or can find a market for the sale of his interest,

the prevailing prices as recorded in registered deeds will provide the most reliable basis for valuation even in cases in which the purchaser cannot obtain a valid title without the landlord's consent. In the latter cases the market value of the interest is the price which it actually fetches in the market whatever that interest may be. The landlord is not entitled to any share in that portion of the compensation which represents the value of such interest of the tenant, and his claim (if any) based on his right to receive transfer fees must be dealt with by a consideration of his loss of prospective transfer fees. The interests of non-occupancy raiyats and of raiyats holding under unexpired leases will usually be valued on a consideration of their net profits for a short term of years, due regard being paid to the inferiority of their interests as compared with that of occupancy raiyats, and the consequent superiority of the interest of the landlord. The compensation payable to tenants-at-will is generally confined to what is due under the provisions of section 23(*1*)(*5*). Collectors should take care that raiyats are not deprived of their due compensation either through their ignorance of the law and procedure or through encroachment on their rights by parties who are more capable of pressing their claims.

Compensation how to be assessed when 2 notifications under section 4 are published.

***67A.** In big land acquisition projects, where two notifications under section 4 are published, one in Form 2 or 2A and the other in Form 3 or 3A, the first notification in Form 2 or 2A is to be regarded as "the notification under section 4, sub-section (*1*)" referred to in sections 11, 23 (first) and 24 (seventhly). Compensation has, therefore, to be awarded in such cases with reference to the market value of land prevailing at the date of publication of the earlier notification in Form 2 or 2A. The restrictions mentioned in section 24 (seventhly) also come into operation with effect from the same date.

In other cases, however, where only one notification in Form 3 or 3A is published the award should be made on the basis of the market value of the land as at the date of publication of this notification and the restrictions imposed by section 24 (seventhly) also become operative from that date.

Capitalisation of net annual profit.

68. The principles underlying the practice of capitalisation of the net annual profit should be clearly understood. A purchaser of agricultural or town land, other than a cultivator, ordinarily regards land as in investment yielding interest in the form of rent, and even the purchaser of house property who intends to reside in the house regards the property as an investment which will save him the payment of a certain rent. The net annual profit (or saving as the case may be) obtained by such purchases therefore represents interests on capital invested, and the rate of that interest is reasonably assumed to be equal to the rate of interest obtainable from other securities of similar safety. An investor in an uncertain security expects and obtains a higher rate of interest than an investor in a safe security. Land is a safe form of security, and consequently an investment in land does not ordinarily obtain a high rate of interest, but some kinds of land constitute safer securities than others, *e.g.*, agricultural land is ordinarily the safest because it is least liable to

*This paragraph is based on Government order No. 2029L.A., dated the 12th February, 1935.

undergo change and to remain vacant, and the safety of the security of house property depends on the condition of the buildings and the chances of the property remaining unlet. The number of years' purchase at which the net annual profits of land are capitalised are generally 16⅔, 20 or 25, though intermediate numbers are sometimes given. Sixteen ⅔ years' purchase means that the interest on the investment is treated as being 6 per cent., 20 years' purchase means 5 per cent., and 25 years' purchase means 4 per cent.

Award to include value of trees.

69. The award to be made by the Collector must include the value of trees standing upon the land, but Collectors should be careful not to pay the value of trees twice over, *e.g.*, when the value of the produce of the tree has already been included in the rent which forms the basis of the award. The raiyat is entitled to compensation for the value of the produce of the trees and such compensation should be awarded to him unless, as said above, it has already been included in the rent which forms the basis of the award. The right to the timber of the tree when felled belongs by the general law (*see* ruling of the High Court—*Nafar Chandra Pal Chowdhuri and others* versus *Ram Lal Pal*, I. L. R., Calcutta Series, volume XXII, pages 742—752) to the proprietor of the land, subject to any custom to the contrary, the burden of proving such custom being on the raiyat. Where, according to local custom, the landlord is entitled only to the rent of the land and not to the value of the trees when felled, he should not be paid separately for the trees, the market value having been calculated on the rental; where the landlord and tenant are entitled each to half the value of trees when felled or fallen, they should both receive some separate compensation for trees of any value as timber; and where the tenant alone is entitled to the value of trees when felled, he alone should receive separate compensation for them. Land is generally made over with trees to the requiring authorities, and the trees are either kept or sold by them when felled. When, however, trees are sold by the Collector, he should credit the value of the timber to the project.

The standing crops and trees referred to in section 23(*1*), secondly, are crops and trees grown after the date of the declaration, and additional compensation is not payable for them.

Huts.

70. The value of buildings, as that of trees and standing crops (other than those grown after the date of declaration) forms part of the market value of the land on which additional compensation is to be paid. When thatched huts or other buildings which can be removed without serious damage are acquired the owners will generally prefer to remove them on payment of the expenses incidental to removal. In parts of the country where it is normally necessary to raise the site before building a house this fact should be taken into consideration in estimating the expenses of removal.

Masonry buildings.

71. In rural areas masonry buildings have generally been constructed for the use of a particular individual, and where there is no market for the sale of such buildings the compensation can sometimes be most suitably estimated by considering the market value of the dismantled materials and the reasonable

expenses incidental to change of residence including the provision of a house with similar accommodation. In such cases due allowance should be made for the depreciation of value of the acquired building on account of the time which has elapsed since it was built, and in the case of large buildings which are often not fully occupied, for the vacant portions of the building which the resident will not need to replace in providing himself with a new residence.

In towns the method of valuation of house property will necessarily vary according to the nature of the information available as regards rents and sale prices, and the condition of the property. Though both rents and sale prices should always be considered, the methods adopted can be broadly distinguished as valuation based on rental and valuation based on sale prices.

In valuation based on rental the municipal assessment should be considered where it is made on the valuation of holdings, but the safest guide will be found in the rent actually received for the holding to be acquired and in the rent actually received for holdings in the immediate neighbourhood which in the position of the land and the nature of the buildings correspond with the holding to be acquired. When the rent has been ascertained deductions are made for taxes payable by the owner, repairs, collection charges and periods of vacancy, and the net annual value is capitalised at a number of years' purchase, the number of years being calculated in accordance with the principles stated in paragraph 68 with due regard to the condition of the buildings and the risk of temporary vacancies. When this method is adopted no separate compensation is paid for the value of buildings, trees, wells or other conveniences since these all form part of the holding for which rent is paid.

The second method is based on a consideration of sale prices of house property in the neighbourhood; but, as the sale deeds frequently do not distinguish the prices of the house and the land, an attempt is made to ascertain what portion of the sale price represents the price of the land by valuing the house separately and deducting its estimated value from the total sale price. In such cases the house is valued on a consideration of its plinth area and supposed cost of construction, a deduction being made for depreciation. When the value of the most similar plots which have been sold in the neighbourhood has been thus estimated it is sometimes found that the land under acquisition differs from the land which has been sold in having a greater or less proportion of its area adjacent to a road. In order to eliminate the error which might arise from this difference the Collector sometimes makes use of the "belt" system. For example, he takes the land within 60 feet of the road, the land extending 120 feet further back, and all land still further back as bearing the proportional values of 3:2:1. With the aid of this formula the land under acquisition is valued by comparison with the estimated value of the land which has been sold, and if there is a building on the land under acquisition it is valued by estimating its cost of construction and making a deduction for depreciation.

The disadvantage of valuation of town lands on the basis of sale prices is that values vary very widely according to position, and it is consequently difficult to find a case of sale of similar property; even if the situation of the land is similar the nature

of the building may differ and the relative value of the two plots of land may thereby be obscured. Moreover the method of valuing a building which has been described above is based rather on the cost than on the market value of the building, and it is artificial seeing that the sale price represents the price of house and land together. Further the "belt" system of valuation is not always satisfactory, as it is difficult to determine in each case what are fair widths for the assumed "belts" and what are fair proportionate values for the lands in each belt.

When, therefore, the conditions permit and records of sales of very similar house property are not available, it is generally preferable to value town lands on the basis of rental, but even when the rental basis is adopted it is often convenient to check the results by a consideration of the prices obtained for the most similar lands which have been the subject of sales.

Tanks.

72. The following principles should be applied in awarding compensation for tanks:—

(*1*) If the tank is used for the purpose of supplying water for irrigation or for drinking, and is in good repair, the cost of construction of a similar new tank including the cost of the land required for the tank and its banks should ordinarily be tendered as compensation. If the tank is out of repair, a deduction should be made on this account.

(*2*) If the tank is not used for drinking water or for purposes of irrigation, compensation should only be allowed on its present value, if such value can be ascertained by precedents, or on a number of years' purchase of the receipts from the tank from fish or other sources.

(*3*) In case (1) the tank and its banks are valued together. In case (2) the banks should be dealt with separately, compensation being awarded on the basis of the market value of similar raised land in the neighbourhood.

Resumed chaukidari chakran lands.

73. (*1*) In cases of acquisition of resumed chaukidari chakran lands which have been transferred to the zamindar subject to an assessment payable to the panchayat in accordance with section 52, Act VI (B. C.) of 1870, one of the interests for which compensation must be paid is that of the panchayat. Their interest consists of the right to receive annually half the assessed rent. Subject to the condition mentioned in clause (*2*) of this rule, the liability for making this annual payment to the panchayat will be assumed by Government, and while awarding full compensation for the interests of the several persons who may be interested in the land, the Collector will, in addition to the compensation payable to the other persons, award to Government an amount equivalent to twenty-five times the sum payable annually to the panchayat. In fixing the compensation payable to the zamindar, the Collector will take into consideration the fact that he has been relieved of the liability of making an annual payment to the panchayat. The compensation awarded to Government will be credited under the head "Miscellaneous Revenue," and the Collector will make provision in his budget for the annual payments to the panchayat. After making his award the Collector will inform the zamindar of the amount of

the annual payment of which he is relieved and will inform the panchayat of the amount to be received annually by them from Government.

(2) In order that the liability of Government may be limited to the annual payment of small sums, the following procedure will be adopted. The Collector will maintain a register in Form 15A of the villages in which resumed chaukidari chakran land is acquired under clause (1) of this paragraph, and on the occasion of each award in favour of Government he will enter against the name of the village concerned the sum annually payable to the panchayat as a result of the award, so that the total liability of Government up to date in respect of each village may be readily ascertained. If in any land acquisition case the award will result in the total liability of Government in any village amounting to Rs. 50 per annum, the Collector before making the award will refer the case to the Commissioner for obtaining the orders of Government, and Government will then decide in consultation with the Accountant-General whether the liability shall be incurred, or the award shall be made in favour of the panchayat with instructions to keep the amount in the Post Office Savings Bank. But the former practice of acquiring new land to replace the chakran land will not be followed.

(3) In districts in which such service lands are acquired under the Land Acquisition Act, Land Acquisition Officers should submit quarterly to the Collector of the district concerned an intimation slip in Form 15A of villages in which resumed chaukidari chakran land is acquired, for preparation of the Collectorate Register No. 81, the number of the Chaukidari Union with the name of the police-station being entered in the "Remarks" column of the form.

Service lands.

74. (1) If in any case it is necessary to acquire such service lands as have not been resumed and transferred to the zamindar and are still held free or on a quit rent by a paik, chaukidar or patwari or other person who renders service to Government, the Collector will value all the interests in the holding and record the valuation, but no payment of the award will be made, and the amount will be placed in revenue deposit. The amount will be applied to acquiring under the Land Acquisition Act another piece of land similar in quality and quantity, and situated adjacent to it or in its immediate neighbourhood. The Land Acquisition Officer will personally select the land to be acquired in substitution for the service land without allowing the intervention of any subordinate officer. If the amount is not sufficient to pay for the land required to replace the service land the difference will be made good by Government, and the amount charged to Land Revenue. The land newly acquired will be made over to the holder of the service land to be held by him on the same terms as the original land was held at the time of its acquisition. For the period intervening between the date of taking possession of the service land acquired and the date of delivery of possession of the new land to the service-holder interest on the value of the service land at the rate of 6 per cent. per annum will be paid to the service-holder and to any other interested person; the interest will be charged to Land Revenue, and the bill submitted to Government in the Land and Land Revenue Depart-

ment for transmission to the Accountant-General, West Bengal, for audit. The following information, requisite for audit, should be given in the body of the bill:—

(*i*) Name of the service-holder or any other person interested.

(*ii*) The date from which he was dispossessed of the land.

(*iii*) The value of the land he was dispossessed of.

(*iv*) The date on which new lands were made over to him or up to which interest is claimed by him (when he does not receive land).

(*v*) The date on which the value of the lands was deposited into the treasury and other particulars of the deposit.

(*vi*) The amount of interest due.

(*vii*) Number and date of Government order sanctioning the acquisition of the land.

(*2*) Sums held in deposit on account of the value of service lands acquired for public purposes should, when the paiks, patwaris, etc., to whom those amounts would have been payable are dead, and there are no claimants, be withdrawn and credited to Government under head "Miscellaneous Revenue". Similarly, when the amount in deposit is in excess of that expended in the purchase of land required to compensate the holder of any service land, the surplus should be credited to Government under the same head.

(*3*) This paragraph will not apply in cases of acquisition of pharidari lands: such lands are liable to resumption on the death of the pharidar, and when they are acquired, the pharidar will be compensated by an award in money and no new land will be acquired.

Beds of navigable rivers.

75. Land acquisition proceedings are not necessary in respect of the beds of existing navigable rivers unless it be clearly established that they are private property. When a "river" is the boundary of an estate the actual boundary is the high bank and the foreshore is part of the river.

CHAPTER VII.

Reference.

Different kinds of reference.

76. References to the Civil Court are made under section 18, 30, 35, 37 or 49 and the conditions under which the several kinds of reference are made should be clearly distinguished. If application is made for reference under section 18 the Collector is bound by law to make a reference unless the application is barred by the provisos to section 18 or by the second proviso to section 31. It is the duty of the Collector to make the reference with the least possible delay and to do all that he can to expedite its disposal so as to avoid inconvenience to the requiring department and the interested parties.

References under section 30 are made at the option of the Collector and relate only to the apportionment of the compensation. Before making such a reference the Collector is bound to make an award of the amount of the compensation. When there

is a complicated dispute as regards title, or ordinarily whenever there is a *bonâ fide* dispute as to apportionment in which the parties are expected not to acquiesce in the Collector's apportionment but to apply for reference under section 18, the Collector should make a reference under section 30.

In cases of temporary occupation the Collector is bound to make a reference under section 35(*3*) unless the parties interested agree in writing both to the amount of the compensation and to the apportionment which he proposes to make: in such cases the Collector will abstain from making any award, but will explain clearly in his reference the award which he proposed to make and the grounds on which it was based.

On the expiration of the term of temporary occupation the Collector is bound to make a reference to the Court under section 37 if he and the persons interested differ as to the condition of the land or as to any matter connected with the agreement.

If a question arises as to whether any land proposed to be acquired forms part of a house, manufactory or building the whole of which it is not intended to acquire, the Collector is bound to make a reference to the Civil Court under section 49, and may not take possession until the reference has been decided.

An application for reference can be made by any person interested.

77. An application for reference may be made under section 18 by any person interested, and section 3(*b*) defines the expression "person interested" as including all persons claiming an interest. The fact that a claim is unreasonable or that it was not pressed or even made before the Collector does not allow the Collector any option in making the reference if the application is not barred by the provisos to section 18 or the second proviso to section 31.

Delegation of power to Collector to decide whether an application for reference should be made by the Manager of a Ward's estate.

78. The Board, as Court of Wards, has under the authority of Government, delegated to Collectors of districts the power of deciding whether an application should be made by the Manager of a Ward's Attached or Encumbered estate to the Land Acquisition Officer, under section 18, for a reference to the Civil Court, when, in the opinion of the Collector, the award is incorrect or inadequate.

Reference not to cover more than one award.

79. There must always be a separate reference for each case in which a separate award has been made.

Form of reference to Court.

80. References to the Civil Court under sections 18 and 30 should be drawn up in Forms 16 and 17. Forms for references under sections 35 and 49 are not prescribed. The Collector should be careful to record all requisite particulars. The statement of the grounds on which the amounts of compensation have been determined need not be elaborate, but should give sufficient information to justify a reasonable presumption that the award has been made with good care and caution.

Collector to defend the reference to the Court as a Government suit.

81. When a reference to the Court has been made by the Collector under section 18, on the ground of an objection to the measurement of the land or to the amount of compensation, and not on account of a dispute as to the persons to whom the compensation is payable or as to the apportionment, the Collector

should defend the case exactly as he would a Government suit. The claimant in such cases is to be regarded as the plaintiff and the Government as defendant; and it is the duty of the Collector to see that evidence is forthcoming to show the fairness of the amount which he has given as compensation. As soon as the claimant files his written statement in the case in Court, the Government Pleader should apply to the Court for a copy for the information of the Collector, to enable the Collector to meet the case set up by the plaintiff with suitable evidence. The Collector must remember that the Court will decide, on the evidence before it, what amount of compensation should be given, and he must, therefore, be prepared with reliable evidence at the trial. In important cases he should consult the Legal Remembrancer as in ordinary civil suits.

Notice of reference to be sent to local authority or Company concerned.

82. Under the provision of section 20(*c*) of the Act, the Court is required to give notice to the Collector whenever the objection refers to the area of the land or to the amount of the compensation. When the proceedings have been undertaken on behalf of a local authority or Company, the Collector should at once send to them a copy of the notice received by him from the Court, in order that arrangements may be made by them, if necessary, to supplement the action taken by the Collector under the preceding rule, to defend the case. In cases in which the issues are of special importance, the Collector should also communicate with them by letter.

The Collector should also similarly inform the local authority or Company concerned when an appeal is preferred before the High Court against the decision of the lower Court concerning the area of the land or the amount of the compensation.

Costs of serving process.

83. The cost of service of the notices prescribed in section 20 is chargeable to the parties interested and not to Government. When the Collector makes a reference under section 30 he should in the first instance pay the process fees and remit them to the Civil Court with the reference, and the Government Pleader should apply to the Court to deduct the cost from the compensation payable to the parties. When application is made for reference under section 18 the applicant should be informed of the amount of the cost of service of notices under section 20 and required to deposit the amount so that it may be remitted to the Civil Court with the reference. If the costs have not been deposited when the reference is ready, the reference should be made and the Collector should inform the Court that the process fees are payable by the applicant for reference and that they have been demanded but have not been paid.

Costs decreed to Government.

84. Costs decreed to Government, although realised from the owner of the land by deduction from the amount of compensation paid, being of the nature of advances recovered, should not be taken in abatement of the price paid for the land. In paying the compensation money such costs should be deducted by the Court and intimation of the fact sent to the Collector for adjustment of the advances. In such cases the date and number of the voucher on which the cost was advanced, when it was incurred, should be stated on the voucher in which the cost is realized, by deduction from the compensation paid, to enable the necessary adjustment to be made in the account office. In cases in which a

reference is made to the Civil Court on the parties interested accepting payment of compensation under protest and in which the Judge upholds the award of the Collector, the general practice as to recovery of costs due to Government should be followed; in such cases the Collector must be careful to record the particulars of costs as soon as the Judge's order is received, and to take prompt measures for recovery.

When costs decreed to Government exceed the amount of compensation awarded, the matter should be reported to Government in the Land and Land Revenue Department with a recommendation as to whether the excess should be remitted or not.

Register of reference cases.

84A. In order to watch the progress and final disposal of references to the Civil Court under the provisions of the Land Acquisition Act, as dealt with in the foregoing paragraphs and to accelerate the realization of costs decreed to Government in such cases, all officers employed in acquiring land are required to keep a register of reference cases in Form 17A.

In the offices of the Land Acquisition Collectors of Calcutta, the special forms of registers now in use should, however, be retained.

CHAPTER VIII.

Abatement of revenue.

Mode of dealing with abatement of revenues.

85. In every case of revenue-paying land, its acquisition under the Act entitles the proprietor to release from liability for any revenue charge upon the land, and it is the duty of the Collector, before determining the amount of compensation to be allowed in the case of any such land which is under acquisition, to ascertain, in the manner laid down in rules 3 and 4 of the Government rules, the amount of Government revenue which is to be deemed payable in respect of such land, and to record this for the purposes of the subsequent proceedings.

In the case of estates other than permanently-settled estates the amount should be calculated so as to eliminate pies from the resultant revenue demand. The only case in which it is impossible to eliminate pies in this connection is where the original revenue demand contained a large number of pies (9 to 11) and the amount of the award is very small, viz., 3 or 4 pies. In all other cases, the award should be so calculated that pies are eliminated. In the case of permanently-settled estates, however, if the number of pies in the resultant demand is over six pies, it should be reduced to six pies and if it is less than six pies, it should be omitted altogether.

The proprietor receiving the market value is also entitled to have his revenue abated by the amount of revenue to which his estate is liable if the land acquired be a whole estate or tenure assessed by the Collector as above upon the land acquired, and assessed with a specific amount of revenue, or by the amount this abatement must in every case be allowed.

Submission of abatement statements and inclusion of abatements in return No. IX.

86. All Land Acquisition Officers will submit abatement statements quarterly to the Collector of the district in Form 19. The Collector's order on these statements is the authority for correcting the tauzi roll and for including the abatements in Tauzi Return No. IX and will be quoted in that return.

On receipt of the Collector's order in question, the Land Acquisition Department will, in the cases of "estates under direct management of Government", prepare copies of the abatement statements, in triplicate, with the number and date of the Collector's order noted on the top, and send them to the Khas Mahal and Tauzi Departments quarterly. The Khas Mahal Clerk and the Tauzi Nabis will retain one copy each for their use and return the third copy with their signature and the date noted thereon, in token of their having received the statement. In the cases of "estates other than those under the direct management of Government," the Land Acquisition Department will forward to the Tauzi Department copies of the abatement statements, in duplicate, with similar information noted thereon and the Tauzi Nabis, in this case, will return the duplicate copy with his signature and the date of receipt as in the other case.

Collectors having been authorised to sanction abatements in consequence of acquisition of land under the Land Acquisition Act such abatements will be entered in Part I of Return No. IX: the specific items will not be entered, but the total amount abated for the kist on account of land acquisition will be entered in column 6 of that return: the words "Land Acquisition abatements" will be written across columns 1 to 3 of the return, and the dates and numbers of the several orders of the Collector passed on abatement statements will be entered in column 8 of the Return: no other entries will be made in Return No. IX as regards land acquisition abatements.

CHAPTER IX.

Temporary occupation.

Procedure for temporary occupation of land in preliminary stages.

87. Sections 35 to 37 prescribe the procedure to be followed in procuring temporary occupation of waste or arable land. Ordinarily the procedure laid down for permanent acquisition of land should be followed *mutatis mutandis* when land for temporary occupation under section 35 of Act I of 1894 is required. In such cases an estimate alone in Form 4B is needed without a draft declaration. A plan of the land, of which temporary occupation is desired, will be furnished to the Collector with a statement of the reasons for which the occupation is required and the length of time for which the land is wanted, and with a request that an estimate may be furnished of the probable cost of the occupation. On receipt of the estimate which should be endorsed by the Collector to the effect that there is no general or specific objection to the occupation of the land being obtained for the purpose specified, it should be forwarded with the plan to Government for orders, through the prescribed channel of the department concerned. When the project has been sanctioned by Government in the administrative department concerned and the necessary funds have been allotted, the Land and Land Revenue Department, on reference made, as in the case of permanent acquisition of land, will issue order under section 35 of the Act, authorizing the Collector concerned to procure the temporary occupation and use of the land. Arable land means land which is ploughed for

annual crops, such as rice, jute, etc.; the expression does not include orchards, homesteads, tanks, banks of tanks, raised mulberry beds, lands under tea, or other lands laid out in permanent crops.

Procedure for taking possession of land required for temporary occupation.

88. It will, however, be observed that in these cases there must be an agreement in writing between the Collector and the parties interested as to the amount of compensation, and that if they differ as to the sufficiency of the compensation or its apportionment, the Collector must refer the matter to the Court. It may sometimes happen that the parties interested do not appear before the Collector after the issue of the notice under section 35(*2*). It then becomes difficult to comply with the provisions laid down in section 36(*1*) before entering upon and taking possession of the land. The following procedure will best meet such an exceptional case:—

It should be stated in the notice issued under section 35(*2*) that on the failure of the party to attend in person or by agent at the appointed time, the Collector will award compensation *ex parte*, and will enter upon and take possession of the land. The prescribed form of notice is Form 18. This will probably result in the parties appearing before the Collector. If they still do not appear the Collector should record his finding as to the proper sum payable as compensation, and proceed to take possession of the land. If the parties subsequently appear, he can pay them according to his finding, if they agree; if they do not agree, he can refer the case to the Civil Court under section 35(*3*). The Collector should, however, endeavour to obtain the agreement of the parties to the compensation awarded and, if they do agree, to pay them, and payment should preferably be made locally. If payment cannot be made within a reasonable time the amount awarded should be placed in deposit in the manner prescribed in rule 10 of the Government rules, and in any case it should be placed in deposit before the end of the financial year in which possession is taken.

Special procedure in urgent cases of temporary occupation of land.

89. In cases in which land is urgently required for temporary occupation it will be sufficient for the Railway Administration to supply the Collector concerned through the prescribed channel, with a plan of the land required, showing existing field boundaries, and at the same time to write or telegraph to Government in the Railway Department to authorize the Collector to procure the temporary occupation and use of the land. The plan should be on the scale prescribed in paragraph 44, and should be accompanied by a list showing for each field the nature of the crop and the number of trees standing on it, and whether any building, well or tank exists on it. It is to be noted that under section 35 of Act I of 1894 temporary possession can only be given of waste or arable lands, which do not include lands occupied by roads, tanks, buildings, gardens, orchards, etc. The order to the Collector under section 35 will, in such cases of emergency, be issued by Government in the Railway Department, and the Collector will take the necessary proceedings in order to procure the temporary occupation and use of the land, obtaining funds for payment due under his award in the manner prescribed in rules 2 and 14 of the rules in Appendix 7, Civil Account Code, Volume I. In these cases also a copy of the order authorizing the temporary occupation of the land should be furnished to the Examiner

of Accounts of the Railway concerned and to the Accountant-General, West Bengal.

90. (*1*) In cases of temporary occupation two reports should be submitted—the first as soon as all compensation under clause 2 of section 35 has been paid or placed in deposit, and the second as soon as the land has been restored to the parties interested under clause 2 of section 36. The first report should contain particulars of the area occupied, date of service of notices, the amount of compensation awarded, date of making payment, or executing agreement or making a reference to the Court, as the case may be, and the date of occupation of the land. The second report should show the date on which the land is restored and the total payments including payments of compensation for damage under clause 2, section 36, together with the particulars of any payments which may have been made subsequent to the submission of the first report. These reports will be disposed of in the same way as final reports in cases of permanent acquisition. In case of temporary occupation of land for railways, a copy of the second report should also be submitted to the Works and Buildings Department.

Final report in the case of temporary occupation of land.

(*2*) On the expiry of the period of three years provided for in section 35(*1*) for temporary occupation of land the Collector must either restore the land to the parties interested under section 36(*2*) or take steps for its permanent acquisition.

Restoration or permanent acquisition of land occupied temporarily.

91. The principle to be adopted in assessing the compensation to be offered to persons interested in land to be temporarily occupied is that each party should receive the value of that of which he is temporarily deprived.

Principles for assessing compensation for temporary occupation.

It is to be noted that section 35 makes no provision for the payment of an additional amount of 15 per cent. on the market value as is provided by section 23(*2*) in cases of permanent acquisition. When an arrangement is made by which the landlord is to receive the usual rent, or its equivalent, he is *ipso facto* fully compensated and is entitled to no additional payment.

In the case of an occupant, who in view of the terms of section 35 will generally be a cultivator, the Land Acquisition Officer should offer the nett value of the produce of the land, or not less than half of the gross value. In this case the occupant is subject to a compulsory process by which he is materially affected in his means of livelihood. His position is different from that of the landlord who, at the most, will receive his rent from Government instead of from his tenant. The cultivator should therefore be treated with reasonable liberality in the assessment of the produce of his land.

The Land Acquisition Officer should ascertain what arrangement the parties interested desire to make as regards the payment of rent, and he should be careful to record this arrangement in the written agreement with a view to the protection of both parties, and to frame his proposals for compensation accordingly. Ordinarily the minimum disturbance will be caused if the tenant continues to pay rent to the landlord, and in the absence of any

valid objection such an arrangement should be encouraged. When the conditions of temporary occupation make it necessary to remove trees from the land compensation for the trees should be assessed and offered as in cases of permanent acquisition, and in the case of trees which produce income but will not be removed compensation should be offered for the loss of income.

Compensation should always be offered for standing crops which were grown before notice of intending occupation was delivered unless it is possible for the tenants to cut them in a ripe condition. When compensation has been assessed for standing crops it should be considered in assessing the loss of nett profits for the first year of occupation whether the harvest of another crop in addition to the standing crop will fall within the first year of occupation, and if it will not, no further compensation for loss of profits should be offered for the first year.

CHAPTER X.

Payment of compensation.

Conditions under which payment can be made.

92. After making the award the Collector will tender payment to the parties interested, and pay all who accept payment and to whom payment is permissible under section 31. If any parties are unwilling to take payment, he should inform them that they may accept payment under protest, but that if they accept without protest they will not be entitled to apply for a reference to the Court. In such cases it must be clearly recorded at the time whether payment was received under protest or without protest: Provided that in cases in which all the parties have not accepted the award and the apportionment thereof no payment shall be made until the time for applying for reference as calculated in accordance with section 18(*2*) shall have expired.

Competence to receive compensation money.

93. Even when there has been no dispute before the Collector he is required to consider before making payment whether the claimant in whose favour he has made an award is competent to receive the compensation money. Section 3(*g*) of the Act enumerates certain persons who are entitled to act on behalf of others, in land acquisition proceedings, but the fourth proviso to section 3(*g*) lays down that such persons are not competent to receive the compensation money unless they would have bee competent to alienate the land, and section 31(*2*) of the Ac requires that if there be no person competent to alienate the lan the amount of the compensation shall be deposited in the Cour The question whether any person is competent to alienate tl land is a question of law and fact on which precise rules canr be laid down. Each case in which doubt arises must be examir on its merits and if necessary the Collector should consult . Government Pleader before making payment. A receiver ev if entitled to act is not competent to receive the compensati money payable to the person for whom he is entitled to a except by special order of the Court appointing him.

A Hindu widow is not competent to alienate and is therefo not competent to receive payment of compensation unless the l is her self-acquired property or was received as dowry. Bu the discretion of the Collector compensation money may be pai a Hindu widow who has a limited interest in property inherite

her, on the joint receipt of the widow and *all* the existing reversioners, and on their executing a bond to indemnify Government against any loss which the latter may incur in consequence of the payment.

Payment into Treasury as Revenue deposit.

94. Rule 10 of the Government rules contains instructions about payment. When the time has expired and no application for reference has been made, and when the Collector has been unable to make payment to the interested parties either locally or at headquarters, he will cause the amounts due to be paid into the Treasury as Revenue deposits payable to the persons to whom they are respectively due, and vouched for in Form E attached to Government rule No. 10. He will at the same time issue notices in Form No. 20 to the persons to whom payments are due. It is the duty of the Collector to make every endeavour to pay the parties himself and thereby save them the trouble of withdrawing their compensation from Revenue deposit.

Methods of payment.

95. Payments by the Collector to interested parties are made in cash, by cheque or by money order. When payments are made in cash or by cheque the parties receiving payment must be duly identified and the name of the identifier recorded, and receipts must be taken.

Cash payments.

96. No sum exceeding Rs. 20 should be paid in cash at head quarters, and large amounts due to single individuals should not be paid in cash. Ordinarily the majority of payments should be made in cash in the villages of the payees. No limit is prescribed for the amounts which may be drawn for local payment but the money shall be drawn subject to the conditions (*1*) that adequate arrangements can be made for its safe transport and custody and (*2*) that each advance drawn is fully accounted for before a subsequent advance is drawn, for the same purpose.

Payment by money order.

97. Where local payment is not practicable, sums not exceeding Rs. 50 to any individual payee may be made by postal money order, the commission being paid by the Collector, and debited to the "Contingencies" for the project, except in the case of Government projects, the acquisition proceedings in which are undertaken by a Deputy Collector in the general line, when the charge will be met from the Collector's Land Revenue budget grant under the head "Contingencies".

Payment by cheques.

98. All large amounts due to single individuals and all sums in excess of Rs. 20 which are paid at headquarters shall be paid by cheques payable at the headquarters or subdivisional treasury, according to the convenience of the parties interested. Cheques must be drawn by the Land Acquisition Officer himself at the time of payment and handed over by him or in his presence to the payees.

Delay in payment of compensation to be avoided.

99. The Collector of the district is required by Government to satisfy himself that there is no avoidable delay in the payment of compensation. Such delay not only causes hardship to the interested parties, but adds to the cost of acquisition the charges for interest payable under section 34. In Railway projects in which large areas of waste and arable land are taken possession of at one time under section 17 there is a tendency to delay between the taking of possession and the making of the award. In such cases the preparation of awards can sometimes be expedited

by an increase of the staff, but care must be taken not to increase the staff beyond the limit of the Land Acquisition Officer's powers of supervision and control. Under the orders of the Collector of the district additional gazetted officers may be temporarily deputed to assist the Land Acquisition Officer in making local payments.

Provision of funds.

100. If the amount to be disbursed is likely to exceed the funds at the Collector's command, he should take timely steps in accordance with departmental instructions to obtain the necessary supply of money before the date on which the payment becomes due, but payment must in any case be made when due and properly applied for.

101. Deleted.

Payment of sums in excess of sanctioned estimates.

102. District Officers are authorised to pay, in anticipation of the sanction of Government, compensation for land acquired, even in excess of the sanctioned estimate, when finally awarded by a Court. The amount thus paid will be kept under objection by the Accountant-General, pending receipt of Government sanction in respect of budget provision, which only is required for the adjustment of an inevitable payment of this nature.

The revised estimate in such cases should be submitted by the Collector to the officer of the department requiring the land, with a view to the allotment of necessary funds by Government. The Collector should at the same time forward to the Commissioner a copy of such estimate, with a full explanation of the increase, when the amount exceeds Rs. 1,000, and in any other case when he considers it necessary.

Rules for payment. Custody of receipt forms and cheque books.

103. The rules of the Government of India for the payment of compensation are contained in Appendix 7 of the Civil Account Code, Volume I. The forms of vouchers referred to in the rules are registered in the office of the Press and Forms Manager and can be obtained on indent from him. When a cheque book is used under rule 10 it should be kept under lock and key by the Land Acquisition Officer himself, who should make a periodical comparison of the pass-books from the Treasury with the counterfoils. The blank Form C vouchers should also be kept under lock and sewn together, if necessary, and consecutively numbered by the Land Acquisition Officer: and when a cheque book is not used the retained halves of Form C should be compared with the Treasury Officer's advice lists of payments.

Adjustment of advances and payments which should be kept separate for each declaration.

104. On receipt of the treasury advice list referred to in rule 14, Appendix 7 of the Civil Account Code, Volume I, the officer who issued the orders of payment should himself see that the amounts paid are those for which orders were issued by him. When advances are drawn for payment to the payees, they should be separate for each declaration under which the land is acquired, and the receipts for the advances must mention the account officer to whom the corresponding award statements have been sent; when the payees' receipts are forwarded to the Treasury Officer in adjustment of the advances, they should be accompanied by a statement showing the amounts drawn and paid; and if there remain any balance in hand which is not required for payments for

the lands acquired under the declaration, it should at once be refunded into the treasury. and should not, under any circumstances, be paid for lands taken up under another declaration.

CHAPTER XI.

Taking and Delivery of Possession.

Possession to be taken by Collector.

105. Section 16 empowers the Collector to take possession of the land as soon as he has made an award. It must be distinctly understood that occupation of the land by any other officer or person without written authority from the Collector is illegal. For instance, when land has been taken up for the use of the Works and Buildings Department, possession will be given by the Collector to the Executive Engineer, or to some person duly authorized in writing by the Executive Engineer to receive it, and to no other person.

Consideration for public convenience.

106. Public convenience should be considered as far as possible in taking possession. Notice should be given to the persons interested so that they may have time to make arrangements for moving.

Extinction of public rights by acquisition.

107. In accordance with section 16 land acquired under the Act vests absolutely in the Government free of all encumbrances: therefore no public right of way or other easement continues after possession has been taken. The law does not provide for acquisition subject to the continuance of such rights. If it is necessary for the convenience of the public that they should continue to use for any purpose land which it is proposed to acquire the case should be specially referred to Government for orders before the land is acquired, with a view to arrangements being made whereby the public may continue to use the land without any right being conceded or admitted: at the same time it should be reported whether the Government department, local authority or company on whose behalf it is proposed to acquire the land consents to acquisition on the terms proposed. If any such arrangement is sanctioned care must be taken at the time of taking and delivering possession both to ensure the concession to the public convenience and to avoid the admission of any right thereto.

Taking of possession when to be postponed.

108. Section 48 enables Government to withdraw from the acquisition of any land at any stage before possession has been taken. Therefore if any question of withdrawal has arisen the Collector should abstain from taking possession until it has been decided. If claims have been made largely in excess of the estimate, and the Collector, though not prepared to allow them, thinks that there are reasonable grounds for fearing that the Court will largely enhance his award, he may either defer making his award, or if he has made his award and the time for making reference has not expired, he may defer taking possession, until he has consulted the requiring officer or department and has obtained orders.

Taking of possession under section 17.

109. When it is found necessary that possession of land should be taken under section 17, the sanction of Government should be applied for at the time of sending up the declaration under section 6. The following conditions must be fulfilled in cases in which possession is taken under section 17(*1*):—

(*1*) The declaration under section 6 must have been published.

(*2*) The land must have been marked out and measured under section 8.

(*3*) The land must be required for permanent acquisition, and not for temporary occupation and use under section 35, because the effect of taking possession under section 17 is that the land vests absolutely in the Government.

(*4*) The orders of Government for taking possession must have been received.

(*5*) Compensation for immediate damage must be assessed and offered.

(*6*) The land must be "waste or arable". Arable land means land which is ploughed for annual crops such as jute, rice, etc. The expression does not include orchards, homesteads, tanks, banks of tanks, raised mulberry beds, lands under tea, or other lands laid out in permanent crops.

(*7*) Fifteen days must have expired after the publication of the notice under section 9(*1*).

The first five of the seven conditions mentioned above must be fulfilled in cases in which possession is taken under section 17(*2*), but this clause provides, with certain conditions about buildings, that possession may be taken of any kind of land, and it allows possession to be taken immediately after publication of the notice under section 9(*1*). Possession should not be taken under section 17 of any land which is reasonably supposed to contain workable mines.

Taking possession under section 17(*1*) of land required for Railways.

110. As soon as the declaration under section 6 of the Land Acquisition Act, I of 1894, has been published and orders under section 7 and section 17(*1*) have been issued, and after the centre line and side boundaries have been marked out on the ground and shown on a plan as laid down in paragraph 39, the Land Acquisition Officer should at once arrange with the District Engineer of the Railway to go over the whole alignment and indicate on the plan what portions of the land to be acquired he wishes to keep free from Railway work until he has had time to make a detailed survey of them. He should at once take possession of all portions not so reserved, deliver the land to the Railway and give written permission to start work in those portions.

In deciding whether to reserve land or not, the Land Acquisition Officer should consider whether the commencement of work is likely to obliterate field boundaries or otherwise alter the configuration of the land to such an extent as to make it impossible to ascertain the quantity of land attaching to each interest to be compensated or to make a fair award of compensation.

The fact that recent survey maps and records-of-rights exist will clearly make it less necessary to reserve land on these grounds.

The Land Acquisition Officer should make it his object to give the maximum amount of assistance to the Railway authorities in forwarding their work that is compatible with a just award of compensation thereafter.

The Land Acquisition Officer therefore will be careful to give possession in all cases in which it is possible to give it, and in cases where it is not possible, the refusal must be noted by him with a clear specification of the area referred to, and the reasons for not delivering possession should be recorded.

A statement of the areas reserved giving a specification in miles and chains will be made over by the Land Acquisition Officer to the District Engineer and a copy forwarded to the Chief Engineer of the Railway.

The Land Acquisition Officer should obtain from the District Engineer of the Railway a statement showing the order in which the latter desires that the survey of the reserved areas should be taken up, and, unless there is some special reason which should be recorded, should strictly adhere to that order, and should take and deliver possession and give written permission to start work on each reserved area as soon as his own survey and record of tenancy is completed.

Procedure to be followed in cases of lands made over free of cost to a Railway Company.

111. In the case of land acquired by Government and made over, free of cost, to a Railway Company for the construction of a railway, it has been decided* by the Government of India that the Railway Company concerned, in the absence of any express stipulation to the contrary, are entitled to dispose of, or use for the purposes of the railway only, any material, trees, buildings, or other property that may be on the land when it is handed over to them, but that Government are entitled before handing over the land to dispose, or stipulate for the disposal, of any such material, trees, buildings, etc., which they have been obliged to acquire with the land, and to apply the proceeds in reduction of the cost of acquisition. It has been stated further that it is the business of the Railway Company to clear the land of all obstacles or obstructions and prepare it for the construction of the railway, Government undertaking to secure them empty possession only, free of legal encumbrances. Land Acquisition Officer should bear these orders in mind, and, whenever possible, buildings, trees, crops, materials or other property acquired with the land should be sold by them, and, if necessary, removed by the purchasers before the land is made over to the Railway Company, unless the Company desire to take over such buildings, etc., or any portion, for the use of the railway, in which case the value should be fixed for payment by them. When the land must be made over before buildings, etc., can be sold, and cleared, which will often be the case, a stipulation should be made before delivery of possession that the Railway Company shall pay the amount which may be realised by their subsequent sale, a similar stipulation for payment of the value of any buildings, etc., which

*Government order No. 865R., dated the 9th June, 1898, and its enclosure.

the company intend to use for the railway, being also made. The amounts received from the Railway Company or by sale shall be credited to the cost of the project.

112. As soon as land is made over to the Railway authorities, a certificate of possession should be obtained from them in Form 21, and a copy thereof sent to Government in the Land and Land Revenue Department.

Compensation under section 48 made on summary enquiry.

113. Section 48 permits Government to withdraw from acquisition proceedings at any time before possession is taken, except in the case provided for in section 36. In case of withdrawal, the Collector shall fix the amount of compensation, if any, payable for any damage sustained by the owner, following, as far as they apply, the provisions of Part III of the Act, and shall pay the amount with any reasonable costs incurred by the owner in connection with the acquisition proceedings. The Collector may proceed summarily.

Although section 48(*1*) provides for the withdrawal of the Government from acquisition only when possession has not been taken, there is no objection to land being restored at any stage of the case after possession has been taken, when so desired by the authorities on whose behalf the acquisition has been made, provided that the persons interested in the land agree to this course, and are willing to receive back their property with such compensation for damages and costs as may be awarded under section 48(*2*). Such cases should be reported to the Commissioner for his orders. Landlords should usually be required to execute an agreement to recognize in their raiyats the same status which they had before the land was acquired: as the Collector is not bound to restore the land to any particular individual there will not generally be any difficulty in enforcing this condition.

*Where the compensation has not been awarded and paid, it is not necessary that the acquisition proceedings should be completed by award and payment of compensation. If the original owners are willing to take back their interests in the land, a deed of reconveyance should be executed forthwith without completing the stages of the acquisition proceedings and reciting the up-to-date position of the said proceedings therein and paying only the compensation for damage, if any, under section 48(*2*). In such a case the reconveyance must be executed in favour of all the parties having different interests in the land, with recital in the reconveyance deed that the holders of the different interests are reacquiring all their respective interests in the land. If, however, the holders of the different interests in the land or some of them are not willing to take back their interests in the above way, the acquisition proceedings must be completed by award and payment of compensation and thereafter the land has to be disposed of in accordance with the instructions in Chapter XV.

---

*This sub-paragraph is based on the instructions issued in Government order No. 10322 (14) L. A., dated the 2nd December, 1949.

CHAPTER XII.

Correction of Land Registers.

114. Alienations of land from revenue-paying or revenue-free properties shall be carefully noted in their proper places in the Collector's General Register A or B, as the case may be. At the same time the necessary entries shall be made in Register B, Part II, and in Register 6.

Alienations to be noted in General Registers A and B.

115. To enable this to be done, the officer in charge of Land Acquisition Proceedings, whether stationed at or away from the headquarters of a district, shall communicate to the Land Registration Deputy Collector in a statement in the Form No. 18D prescribed in the Land Registration Manual, the particulars of all alienations of land or revenue made in the proceedings taken by him. This statement will be prepared in the Land Acquisition Office as soon as acquisition proceedings in respect of any particular declaration are concluded by the Land Acquisition Officer, columns 1 to 7 only being filled up in that office. It shall contain information as to the acquisition of all lands covered by one declaration, whether comprised in a revenue-paying or revenue-free estate and the amount of land revenue abated.

Particulars of alienations to be communicated to Land Registration Department in statement in Form 18D.

116. If, however, the Land Acquisition Officer so directs, Form No. 18D may be furnished from time to time during his proceedings in respect of such estates as may have been completely dealt with.

Form No. 18D, when to be furnished.

117. Care must be taken to inform the Land Registration Department of any change made in the particulars subsequent to the completion of the Land Acquisition Officer's proceedings, owing to orders of the Civil Court on reference or of higher authorities before the proceedings are confirmed.

Any change made in the particulars owing to Civil Court orders to be also communicated.

118. When the Land Acquisition Office is situated at the headquarters of the district, the Land Registration Head Clerk shall give a receipt for the statement in column 20 of Register No. 5 of Land Acquisition cases, which shall be sent to the Land Registration Office for the purpose. Otherwise the receipt form attached to the statement shall be signed by the Land Registration Head Clerk and returned to the Land Acquisition Deputy Collector, who will cause it to be pasted in column 20 of his Register No. 5. For facility of preparation of this statement and for easy reference a summary shall be made by the Land Acquisition Officer by estates in Register No. 5 in respect of each project (*i.e.*, the proceedings covered by one declaration), in the following form:—

Receipt for statement 18D to be given by the Land Registration Head Clerk.

(1) Name of estate and whether revenue-paying or revenue-free.

(2) Tauzi number, if revenue-paying and the district to the revenue-roll of which the estate appertains; number in Register B, if revenue-free.

(3) Purpose for which land is taken by Government and for what body, and date of taking possession.

(4) Name of mauza or mauzas, Mujmilli or Mauzawar Register C No. , thana, pargana and district.

(5) Total area of land of the estate or revenue-free property acquired in each mauza.

(6) Total abatement of revenue in the mahal.

(7) Date from which the abatement takes effect.

Payment of compensation to a proprietor to be withheld if his name is not registered as such in the Land Registration Department.

119. When a Revenue Officer engaged in the acquisition of land finds, in the course of his proceedings that any proprietor of an estate or revenue-free property or of any interest therein, claiming compensation before him, has not been registered as such proprietor either through an oversight in the Land Registration Department or through the negligence of the party to apply for registration of his name, he shall warn the claimant of his duty to have his interest registered under the Land Registration Act, and shall withhold payment of the compensation money due to the claimant, unless he shows that he has applied for registration of his name and that orders have been passed for the mutation, or that the case is pending.

Lands originally acquired for public purposes when sold to private parties to be entered in Register B, Part I.

120. When lands which are no longer required by a railway or by a department other than a railway for which they were acquired are sold revenue-free to private parties, steps shall be taken by the Collector to have such areas entered in Register B, Part I, and deducted from Register B, Part II.

CHAPTER XIII.

Final Report and Disposal of Records.

Final report of acquisition proceedings.

*Certified after a careful examination of the amin's plans/plan that they have/ it has been drawn upon the scales prescribed in paragraph 43 (paragraph 44 in railway cases) of the Land Acquisition Manual, and strictly in accordance with the instructions contained in paragraph 45 (and in paragraph 46 in case of railway)—Collector.

†This expression does not include a tramway (light railway) sanctioned under the Bengal Tramways Act, 1883.

121. (*1*) When land is permanently acquired, the Land Acquisition Deputy Collector will prepare a final report of his proceedings for each project in Form 22. This report, accompanied in all cases by Form 23 and a certificate from the Land Acquisition Deputy Collector in the form prescribed in the margin, *and, in the case of lands taken up for a railway,† also by the Engineer's plan and a certified copy of the amin's plan such as is prescribed in paragraph 129 and by Form 25, when necessary, should be submitted to the Commissioner. These papers in all cases of acquisition of lands for railway projects should be transmitted by the Commissioner to the Government in the Land and Land Revenue Department for the confirmation of the proceedings. In all other cases, *i.e.*, in cases relating to non-railway projects, except those of the Calcutta Corporation and the Calcutta Improvement Trust, the proceedings shall be confirmed by the Commissioner. In the case of a project in the charge of a special officer, such as the acquisition of land for a railway or canal, the final report should be accompanied by a consolidated completion report from the officer in charge, dealing with any important points in connection with the proceedings which should be briefly described. A list should also accompany the report containing the details of the enclosures; and each office through which the case passes should satisfy itself by a careful examination of the papers that the enclosures have been received in accordance with the details given in the list.

(*2*) When the proceedings have been confirmed, the plans and Forms 23 and 25 in railway projects will be recorded in the

Land and Land Revenue Department of Government and the final report (Form 22) will be returned. In non-railway cases Form 23 will be recorded in the office of the Commissioner, after the proceedings are confirmed by him, and the final report will be returned.

(*3*) When a Public Works disburser has had more than one project in his charge, or when an officer in the general line has been employed in acquiring land for a railway, or for a company or other body of persons chargeable with the cost of establishment, the figure to be entered in column 18 of Form 23 for "Establishment charges" will be obtained in the manner prescribed in paragraph 165 following. If at the time of submitting the Final Report the statutory time for applications for references to the Civil Court has expired, and no applications have been made or all applications received have been finally disposed of, column 18 can be filled up immediately.

Ordinarily, however, this will not be the case, and in submitting the final report it should be noted against the figures in columns 18 and 19 in the remarks column 22 that these figures represent the charges debitable up to date. Final figures should be reported later when all references have been finally disposed of or, in the case of a Works and Buildings disburser, when the special office is closed.

Final reports in cases of temporary occupation.

122. Paragraph 90 specifies the particulars which are to be contained in the final reports in cases of temporary occupation: these reports should be disposed of in the same way as the final report in cases of permanent acquisition.

122A. In cases of transfer of Government land under executive orders to a railway, a report should be submitted to Government, showing the area of land transferred, the amount representing its market value and the capitalized value of the abatement of existing land revenue to be debited to the proper head of account of the railway, together with necessary plan and schedule, for record in the Land and Land Revenue Department of Government.

Special rules for Calcutta Land Acquisition Officers.

123. The final reports of the proceedings of Land Acquisition Officers of Calcutta for the acquisition of land for the Calcutta Improvement Trust and the Calcutta Corporation will be submitted by them direct to Government in the Land and Land Revenue Department for confirmation of the proceedings. In cases of the Improvement Trust the reports will be in the special Form 24, but in cases of the Calcutta Corporation they will be in the usual Form 22. In all other cases they will submit their final reports to the Commissioner in accordance with paragraph 121.

No final reports in cases under sections 50 to 52 of Act III (B.C.) of 1876.

124. It is not necessary to submit these reports in cases of land taken up for village channels under sections 50 to 52 of the Bengal Irrigation Act, III (B.C.) of 1876, at the expense of the applicants for the channels. But when the Government constructs a village channel at its own cost, the ordinary procedure of the Land Acquisition Act will apply and the proceedings must be reported to the Commissioner of the Division concerned.

Delay in submitting final reports to be avoided.

125. The submission of final reports in land acquisition cases is sometimes delayed, because the parties interested have not appeared personally or by representatives before the Collector to

receive payments of compensation awarded. In order to avoid such delays in future, it is necessary that the provisions of paragraphs 92 and 94 and rule 10 of the rules promulgated by Government under the Land Acquisition Act, I of 1894, be strictly observed, and that the reports in question should be submitted without waiting till all the parties interested have been paid.

Submission of final reports not to be delayed for decision of references to Civil Court.

126. The final reports should be submitted by Collectors without waiting for the decision of references to Civil Courts, and the Commissioner or Government in the Land and Land Revenue Department, as the case may be, will confirm proceedings and review results without waiting for such decision. After the references to the Courts have been finally decided, a supplementary report should be submitted in cases in which the award has been materially exceeded.

Transmission of records to record-room.

127. When the final report of a project has been confirmed and returned by the Commissioner, the Land Acquisition Officer will transmit it to the Collector of the district together with the register and records of the case for deposit in the record-room.

128. Deleted.

CHAPTER XIV.

Supply of certified copies of plans of lands acquired.

Supply of plans of lands acquired to officers on whose behalf such acquisition has been made.

129. In all cases of permanent acquisition of lands, a copy of the amin's plan showing the lands actually acquired, shall be prepared by the Land Acquisition Deputy Collector, and as soon as the awards have been made and possession of the lands has been taken, it shall be furnished to the authorities on whose behalf the lands are acquired, with the following certificate endorsed upon it, indelible black stamping ink being used whether the certificate is stamped or whether it is written by hand:—

"Certified that the lands in this plan were duly acquired under the provisions of the Land Acquisition Act, I of 1894, and under declaration No. of the and in proceedings No. of 19 , and that they were made over by A. B. on the on behalf of the Collector of the district to C. D. on behalf of the (authority on whose behalf the proceedings were taken)."

(Sd.) E. F.
Collector of

NOTE.—A certificate of the nature contemplated in paragraph 129 cannot be given by a Land Acquisition Deputy Collector unless he has records to support it. When, however, certified plans are required in respect of lands actually in possession of Government such as compound containing public buildings, camping grounds and the like, in respect of which records relating to acquisition cannot be traced, a certificate regarding the possession of Government may properly be given by the Collector. Before it can be given the plan tendered should be verified on the spot by the Land Acquisition Deputy Collector or by some trustworthy officer, and in the latter case the Land Acquisition Deputy Collector may countersign the certificate given by such officer. The certificate should be in the following form:—

"Certified that the land demarcated by the boundary pillars shown in this plan is/was in the possession of Government in the (here state the name of department) on the (here state the date)."

Land on the other hand the verification of the plan of a considerable length of road or similar lands never duly acquired would generally involve much trouble and would be likely to stir up disputes. In such cases the Land Acquisition Deputy Collector may properly refrain from giving a certificate of possession.

130. When land is acquired for a railway the civil authorities should invariably be supplied with the Railway Engineer's plan, in duplicate, for the purposes of the acquisition. When, after award, possession has been taken and when it has been ascertained by careful comparison that there is no deviation between the Engineer's plan and the amin's plan, one copy of the Engineer's plan (and not of the amin's plan) should be returned to the Railway authorities with the necessary certificate of acquisition endorsed on it. In case of any deviation, however, the Engineer should be required to furnish a fresh plan showing the land as actually acquired and made over. On receipt of such plan, it should be carefully compared with the amin's plan, and when it is found that the two agree the revised plan furnished by the Railway Engineer should be returned to the Railway authorities, duly certified as directed above. In these cases the certified copies of amin's plans shall be submitted to Government in the Land and Land Revenue Department with the final report for record. Certified plans in railway cases.

When, however, a railway administration will apply, a certified copy of the amin's plan and of the Collector's detailed awards, with the necessary certificate of acquisition endorsed thereon, should be furnished to the authorities of the railway concerned, as soon as the awards have been made and possession of the lands has been taken. The cost will be included in that of acquisition and recovered in accordance with the rules.

131. On receipt of the certified copies of the plans from the Collector, it will be the duty of the authorities concerned on whose behalf the lands are acquired to demarcate those lands in a satisfactory manner so as to prevent encroachments and facilitate the easy detection of encroachments when such occur. Requiring authorities to demarcate after acquisition.

132. The original plans prepared by the amin shall be kept in the Collectorate record-room with the acquisition records, of which they form a part, and shall also bear the certificate prescribed in paragraph 129 in indelible black stamping ink. Original amin's plans to be certified and filed with record.

133. The certified copies supplied to a District Board or other local authority or any Company, referred to in section 50(*1*) of Act I of 1894, must be prepared at the cost of such local authority or Company and required to be stamped under Article 24, Schedule I of the Indian Stamp Act, II of 1899. Certified copies to be paid for by local authorities and companies.

134. Register 6 of the Collectorate is prescribed for the entry of all lands in the possession of any department of Government except lands in the direct occupation of the Works and Buildings Department. Lands occupied by public buildings held by Civil Departments, although the buildings are in charge of the Works and Buildings Department, should be entered in Register 6. Railway lands should not be entered in this Register. The object of the Register is that the Revenue authorities may be kept informed concerning the lands occupied by the several departments of the administration in order that these lands may not be lost sight of. Therefore, whenever any land is acquired which Certified plans for Register 6.

is of the kind which will be entered in Register 6, the Land Acquisition Officer will supply the Collector of the district with a certified copy of the plan of the land for his use in connection with Register 6.

CHAPTER XV.

Disposal of Surplus Lands.

Surplus lands no longer required for public purposes how to be dealt with.

135. All lands which have been permanently acquired for public purposes by Government in any department or for a railway, whether by private purchase or compulsory acquisition, and which are no longer required for the purposes originally intended, shall be relinquished under the orders of Government in the administrative department concerned, which will issue instructions to the Government in the Land and Land Revenue Department for the resumption of the lands and for their disposal in the manner hereinafter described. On receipt of these instructions Government in the Land and Land Revenue Department will issue order to the Divisional Commissioner for communication to the Collector of the district concerned, in order to give effect to the orders of Government.

Lands acquired for a Municipality, District Board or any other local authority legally entitled to, or entrusted by the Government with, the control or management of any municipal or local funds, do not come within the scope of this rule.

When the Land and Land Revenue Department is the administrative department concerned, the necessary orders for the resumption and disposal of the land relinquished will be issued to the Divisional Commissioners from that department.

Changes in land should be reported and entered in the records.

136. All contemplated changes in land held for the purposes of a Railway should be promptly reported by the Railway authorities to Government for such orders as will ensure the changes being entered by the Revenue Officers in the records and the carrying out of all further proceedings that are requisite on such an occasion.

Procedure showing how land in excess of requirements is to be dealt with.

137. The disposal of land taken up for a Railway in excess of immediate requirements is governed by the following rules:—

(*i*) *Land which is likely to be required for the Railway in the near future* should remain in the custody of the Railway authorities; and they should not be called on to relinquish it. The term "near future" is to be liberally interpreted with reference to the probable requirements of the Railway; and when there is any uncertainty, the benefit of the doubt must be given to the Railway in favour of retention. For the procedure to be followed by State Railways in granting temporary leases or licenses of railway lands and buildings to outsiders see paragraphs 34—36 of the Railway Board's Rules in Part II of this Manual.

(*ii*) *Land which may probably be required in the distant future* should not be relinquished but be made over to the Revenue authorities for safe custody. Land so transferred is not to be let or sold, except on such terms

of temporary occupation as will not interfere with its being made available on short notice for Railway purposes. These conditions may best be attained if the concurrence of the Railway authorities is first obtained to any proposals that may be made for utilising the land from time to time. The net receipts from such land (*i.e.*, the amount which remains after deducting from the gross receipts 10 per cent. on account of the cost of management, etc.) should be credited in the manner laid down in the concluding portion of paragraph 36 of the Railway Board's Rules, printed as Part II of this Manual.

(*iii*) *Land for which the Railway is unlikely ever to have any further use* should be relinquished outright to the Revenue authorities for disposal. If the cost of such land stands at the debit of the capital account of the Railway, the sale-proceeds thereof shall be credited to the Railway in accordance with the instructions contained in paragraph 149. Where a reasonable price is not likely to be obtained by the immediate sale of the land outright, there is no objection to the Revenue authorities retaining the land after relinquishment until an offer more commensurate with its value is obtained, provided that the sale is not delayed for a period disproportionate to the anticipated increase in the price. In such cases the land shall continue to be shown in the Collector's General Registers as belonging to the Railway, but the net receipts from such land (*i.e.*, the amount which remains after deducting from the gross receipts 10 per cent. on account of the cost of management, etc.) should be credited in the manner laid down in the concluding portion of paragraph 36 of the Railway Board's Rules, printed as Part II of this Manual. If it is decided by Government to retain such land permanently for purposes other than railway purposes the full market value at the time of the decision will be credited in the manner laid down in paragraph 41 of the Railway Board's Rules, printed as Part II of this Manual. The land will then be shown in the Collector's General Registers as belonging to Government.

District Officers should report any cases in which they consider that land is being kept in the possession of Railway authorities in contravention of the above rules.

Similar principles should be applied in case of Government lands generally.

138. Land which has been acquired for any department of Government and which though not immediately required (*i*) is likely to be required by the department in the near future or (*ii*) may probably be required in the distant future should be dealt with in accordance with the principles laid down, in clauses (*i*) and (*ii*) of the preceding paragraph. Land for which the department is unlikely ever to have any further use should be relinquished outright to the Land and Land Revenue Department for disposal. The Land and Land Revenue Department will first ascertain whether the land is likely to be required by any other department, and, if so, will deal with the land in accordance with

the principles laid down in clause (*ii*) of the preceding paragraph. If it is not likely to be so required the land after verification will be classified in the manner laid down in paragraph 142, and then disposed of in accordance with the instructions contained in paragraphs 146 and 147.

Land will be restored to Government when no longer required.

139. When the necessity for occupation ceases, the land belonging to any Railway will be restored to Government, the proper time for this being determined by the General Manager in the case of lands to be relinquished by Companies, and by the Engineer-in-Chief or other controlling officers in the case of lands to be relinquished by State Railways.

On receipt of order to sell land, an officer will be deputed to verify on the spot the Acquisition Officer's and the Engineer's plans.

140. When the land is so relinquished, Government in the Land and Land Revenue Department on receipt of instructions from Government in the Administrative Department for its resumption and disposal, will, in the case of large areas relinquished continuously along several miles of a Railway after the line is opened, depute a competent officer to verify on the spot the Collector's plans showing the land acquired and the Engineer's plans of the land relinquished and to make necessary amendment of the Collector's plans. In other cases, where the areas relinquished are small and isolated Government in the Land and Land Revenue Department will issue instructions at once to the Collector of the district concerned through the Commissioner, in order to give effect to the order of Government. In such cases the Collector will have the plans of the land verified and amended on the spot.

When any portion of the relinquished land is required by the railway, Government in the Land and Land Revenue Department will be furnished with a copy of the orders of the Government sanctioning its retention.

141. In verifying the plans the officer will first, in communication with the General Manager, ascertain if any portion of the relinquished land is required for the Railway. If so, the orders of Government in the Railway Department for the retention of the land should be obtained by the General Manager, and a copy forwarded to Government in the Land and Land Revenue Department.

Relinquished surplus lands to be classed under two heads for disposal.

142. During the verification the lands to be resumed should, for the purposes of their disposal, be classed under the following two heads:—

(*i*) Lands situated within agricultural or pastoral areas.

(*ii*) Lands situated within urban areas and suitable for building sites.

On completion of verification, a set of verified plans will be sent to the Collectors with orders to sell the land not required.

143. On the completion of the verification the officer will in order to secure a correct record of title for all Railway lands, prepare four sets of verified plans with schedules written on them, and one of these sets will be forwarded by Government in Land and Land Revenue Department to the Collector, with instructions to dispose of the land not required. This set of plans will be used by the Collector for the purpose of dividing the land into lots for sale. When this is done, the lots should be numbered consecutively and entered in the Lotbundi Register Form 26 which will be made use of at the time of sale. In the case of small and isolated areas the Collector, after verification of the

plans on the spot, will have the land divided into lots in the verified Engineer's plan, if necessary, and have such lots numbered consecutively and entered in the Lotbundi Register.

When and where sales to be held.

144. Ordinarily Collectors will use their own discretion as to the time and place of sale, but in no case should land be sold until the final report of the proceedings taken for the acquisition of the land has been prepared, or, if the land has been taken up by a special officer, until the final report has been submitted to the Collector.

Publication of sale and form of advertisement.

145. The date of sale should be fixed at least six weeks after the date of the first publication in the *Calcutta Gazette* of the advertisement of sale. Publicity should be given to the notice locally of the intended sale by beat of drum, and by all other means considered necessary. The advertisement of sale in Form 27 should be forwarded by the Collector to the Superintendent of Government Printing, West Bengal, for publication.

Agricultural or pastoral (surplus) lands how ordinarily to be disposed of.

146. As regards lands falling in class (*i*) of paragraph 142, *i.e.*, lands situated within agricultural or pastoral areas, which are no longer required by a Railway or by a department other than a Railway for which they were acquired, their disposal should be guided by the following general considerations:—

(*a*) All rights of proprietors and of permanent tenure-holders and all rights of occupancy which were extinguished by the acquisition of those lands, should be first offered to the persons from whom they were acquired, or to their heirs, if discoverable, the offer to the person of superior status being in every case subject to his recognition of the person of inferior status under the provision of the Crown Grants Act, XV of 1895. In cases in which, at the time of acquisition, no abatement of revenue was made, the offer of restoration should be made subject to the express condition that the lands will be reabsorbed into the revenue-paying estate of which they originally formed part. When an abatement of revenue has been granted at the time of acquisition, in the case of a permanently-settled estate the amount originally abated should be added to the revenue of the estate as it stands at the time of restoration; in the case of a temporarily-settled estate, the lands should be restored subject to a fair assessment at the rate or rates current for adjoining lands of similar quality.

(*b*) No elaborate enquiries are necessary to find out the original owners or their heirs, and the titles of claimants should be determined summarily, as the above concession is made as an act of grace, and is wholly within the pleasure of Government to grant or to refuse in any particular case. It will be sufficient if a general notice is published locally and at the Collectorate and Munsifs' offices, and also at the Railway stations near the land in the case of Railway lands.

(*c*) The price at which the rights above referred to are to be offered should be the amount of compensation originally paid for them, less the 15 per cent. which may have been given in excess of the value, should the acquisition have been compulsory. This price may be reduced, if necessary, on account of any deterioration that may have taken place in the fitness of the land for agricultural or pastoral purposes while it was in the occupation of Government, but it should not be increased, except in the case stated below, on account of any rise in its market value during that period. In the case of plots which, by reason of their size or shape, are practically of no value to any one but to the owners of the adjoining land, if those owners are not entitled to the first offer as above, they ought nevertheless to receive the first offer; but in that case there is no objection to the demanding of the market value, though the reasonable offer of a neighbouring holder should always have the preference over that of an outsider. The price thus fixed should be considered as the highest bid for the lands for which it is offered.

(*d*) The Commissioner will always retain and exercise discretion in the application of the rule about the charge of cost price. Special cases may occur, and exceptions will be justifiable, as for example, when the persons first entitled are remote descendants or relations of the original holders, or when the rise in the market value of the land has been so exceptionally great as to take the case out of the general rule. Before the day of sale, the Collector should bring any such case specially to the notice of the Commissioner.

The disposal of land no longer required for any embankment is regulated by section 87 of Act II (B.C.) of 1882.

Agricultural or pastoral lands not restored to original owners or their representatives, as well as urban lands, how to be disposed of.

147. (*1*) In the case of land relinquished by Railways the lands falling in class (*i*) of paragraph 142, of which the original owners or representatives cannot be found, or if found, decline to take back their lands at the price offered, as well as the lands falling in class (*ii*) of the rule which are situated within urban areas and are suitable for building sites, will be sold to the highest bidders on the date of sale as advertised.

(*2*) Subject to the sanction of the Government in the Department of Land and Land Revenue, the Collector is authorised to sell such lands revenue-free if on account of their small area it would be inconvenient to assess revenue on them and sell them as temporarily-settled estates. But all urban lands, unless of insignificant value or area, and agricultural lands of considerable area should be assessed to revenue and sold by auction to the highest bidder as revenue-paying temporarily-settled estates. Ordinarily, the first settlement will be made for a period of ten years, and revenue for that period will be assessed at the rate at which it was abated, or would have been abated if the capitalised value of land revenue had been paid by the Railway concerned, at the time of original acquisition in the case of land originally appertaining to a revenue-paying estate, and in the case of land originally appertaining to a revenue-free estate assessment will be made at the prevailing rate of revenue of

similar lands in the same mauza. Subsequent settlements will be made in accordance with the rules in the Government Estates Manual.

(*3*) In the case of lands of the kinds abovementioned which have been relinquished by a department of Government and are at the disposal of the Land and Land Revenue Department in accordance with the provisions of paragraph 138, the lands will become Government estates and will be administered or if necessary sold, in accordance with the rule contained in the Government Estates Manual.

(*4*) Land which has been acquired for any Public Service Department of the State Government and temporarily made over to the Land and Land Revenue Department for safe custody as not being immediately required by that department should be managed as a khas mahal, and the revenue and the expenditure in respect thereof should be booked finally under "Land Revenue". The same procedure should also be followed in the case of land relinquished outright by a Public Service Department to the Land and Land Revenue Department for disposal and retained by the latter department for want of offer of adequate price. But the sale-proceeds of this class of land when finally disposed of should be credited in accordance with the rule in Article 181(*6*) of the Audit Code, Volume I, read with Appendix to the Auditor-General's directions under section 168 of the Government of India Act, 1935. While the Irrigation Department is a quasi-commercial department, the irrigation projects for which no capital and revenue accounts are kept are not parts of a commercial department. In respect of these projects that department should therefore be treated as a Public Service Department.

Submission of statement of lots sold and of sale-proceeds.

148. In the case of Railway lands a statement in Form 28 of the lots sold and of the sale-proceeds together with one set of the plans of the lands sold should be submitted quarterly to Government in the Department of Land and Land Revenue through the Commissioner for confirmation of the sales by that department and for correction of the verified records of Railway lands in that department. Where the price appears inadequate, the advisability of deferring the sale for a reasonable period in accordance with paragraph 137 (*iii*) should be considered. If the retention of land is recommended by the Collector, the period of such retention should be stated and the price which it is expected that the land will fetch at the end thereof. A note should be made by the Collector in the last statement that no more land remains to be sold. In the case of lands other than railway lands, the proceedings in connection with their disposal by sale or otherwise should also be reported to the Government in the Department of Land and Land Revenue through the Commissioner, for confirmation.

Sale-proceeds how to be credited.

149. (*1*) After the confirmation of the sales the proceeds should, in the case of lands acquired for any department of Government, be credited in the manner laid down in Article 181(*6*) of the Audit Code. In the case of lands acquired for Railways the sale-proceeds, less any charges properly incurred in their disposal, should be credited to the head "XII—Subsidised Companies" when the land was provided free of cost by the

Government of India, and to the capital account of the Railway in all other cases, and the capitalised value of land revenue abated should be readjusted in the following manner:—

(I) In the case of land for which capitalised value of land revenue was not paid to the State Government at the time of its original acquisition:—

(*a*) when sold subject to assessment of land revenue, the actual sale-proceeds should be credited to either of the two heads mentioned above, as the case may be, and

(*b*) when sold revenue-free, the portion of the sale-proceeds which is calculated as representing the capitalised value of land revenue redeemed, should be credited to the State Government as land revenue, and the balance to either of the two heads mentioned above, as the case may be.

(II) In the case of land for which capitalised value of land revenue was paid to the State Government at the time of its original acquisition:—

(*a*) when sold subject to assessment of land revenue, the actual sale-proceeds *plus* a sum from the State revenue equivalent to the captalised value of the abatement of land revenue assessable at the time of sale should be credited to either of the two heads mentioned above, as the case may be, and

(*b*) when sold revenue-free, the actual sale-proceeds should be credited to either of the two heads mentioned above, as the case may be.

(*2*) Collectors will make necessary provision in their budget estimates under the head "VII—Land Revenue—*Deduct* Refunds" for payment of the capitalised value of land revenue which will be due to the Railway authorities concerned under the above rules.

(*3*) In all cases the cost of any special establishment, if employed in disposing of Railway land, should be deducted from the sale-proceeds and credited to the State Government.

Purchaser to be given a deed of conveyance in Form 29.

150. The purchaser should be given a deed of conveyance executed by an officer of the Railway concerned, who is authorised in that behalf by the President of the Union of India under Article 299(*1*) of the Constitution of India, in Form 29 and this should be accompanied, in the case of Railway lands, by an attested extract from the lotbundi plan referred to in paragraph 143, showing the exact position of the particular lot as well as its measurement. The cost of the requisite *ad valorem* stamp on the conveyance should be borne by the purchaser. In view of the provisions of sections 48 and 50 of the Indian Registration Act, XVI of 1908, the purchaser should be advised to register the conveyance in all cases. An unstamped duplicate of the conveyance should be filed by the Collector with the record of the case.

CHAPTER XVI.

Maintenance of Land Acquisition Plans, Registers and Boundary marks.

151. On the disposal of the surplus lands relinquished on a Railway after the line is opened, besides the verified plans referred to in paragraph 143, three sets of schedules and three copies of registers of title will also be prepared in Forms 30 and 31 for Railways constructed by Government or by Companies not entitled to receive land free of cost under their contracts, and in Forms 32 and 33 for Railways constructed by Companies who received land free of cost. One set of plans and schedules and a copy of the register of title will be sent to the General Manager of the Railway. Of the remaining two sets, one will be sent to the Collector of the district, and the other will be kept in the Land and Land Revenue Department of Government. All the three sets will be attested by the Assistant Secretary to the Government of West Bengal, Land and Land Revenue Department, the General Manager or Chief Engineer of the Railway, and the Assistant Secretary to the Government of West Bengal, Works and Buildings (Railway) Department.

Plans and schedules to be sent to the General Manager of the Railway.

152. In the case of Railway lands all subsequent additions and alterations required to be made in verified plans or (when verified plans have not been prepared), in acquisition plans, on account of subsequent changes, should be carefully noted in the records by the officers concerned, the changes in the plans being made in such a way (*i.e.*, by hatches in different coloured ink) and with such explanatory note as may be required to show clearly what the additions and alterations are, and when they were made.

Procedure for maintenance of Railway land plans.

153. In respect of non-Railway lands which include lands acquired for tramways (light railways) sanctioned under the Bengal Tramways Act, 1883, verified plans, schedules and registers of title, such as those referred to in paragraph 151 above, are not prepared and maintained in the Land and Land Revenue Department of Government. The title deeds of such lands are to be found in the records of the acquisition proceedings kept in the Collectorate record-room. It will be the duty of the officers of the department, company or local authority, on whose behalf the lands are acquired, to note upon the certified plans supplied to them by the Collector under Chapter XIV, all changes occurring subsequent to the preparation of the plans, and to maintain the plans in question in such a way that they may be readily available in support of their title to the lands acquired for them.

Procedure for maintenance of non-Railway land plans.

154. It has been laid down by Government that it is advisable for a Railway officer, in order to prevent any doubts arising as to the exact boundaries of land permanently acquired, to define them on the ground in such a manner as to enable them to be readily ascertained and identified.

Demarcation of lands by Railway officers.

155. It has been laid down by Government that Railway administrations are responsible for the maintenance of proper records in connection with the demarcation of all Railway lands in their possession.

Railway Administrations responsible for maintenance of proper records of demarcation.

CHAPTER XVII.

Accounts, Establishment, Recovery and Adjustment of Charges.

156. Deleted.

Special Officer for large Railway projects.

157. When a large Railway project is being undertaken and, as is usual, the Railway authorities desire to have the acquisition of land expedited, the Commissioner of the Division will consider carefully how many special officers are required and will make his recommendations to Government as early as possible. Ordinarily in such cases one special officer should not be in charge of the acquisition of more than 30 miles of the project, but the number of officers who can be deputed will depend on the availability of a sufficient number of officers with the necessary experience. A list of officers qualified to work as Special Land Acquisition Officers is maintained by Government in the Land and Land Revenue Department and is periodically revised.

Special pay to Land Acquisition officers—when and how to be granted.

***158.** The State Government may grant a special pay not exceeding Rs. 75 a month to a Deputy Collector when deputed to land acquisition work. The maximum amount of special pay that may be granted by the State Government to a Sub-Deputy Collector deputed to such work is Rs. 50 or Rs. 40 a month according as the officer draws pay in the revised scale sanctioned in the West Bengal Service (Revision of Pay) Rules, 1950, or otherwise. When deputing an officer to land acquisition work, the State Government will determine whether the duties are important enough to require any, and if so, what special pay, subject to the maximum limits mentioned above.

Accounts how to be kept by officers who are Works and Buildings disbursers.

159. Officers engaged in land acquisition work, who are Works and Buildings disbursers, are required to keep the accounts prescribed in Article 437, Civil Account Code, Volume I, 8th edition.

—by officers who are not Works and Buildings disbursers.

Land Acquisition Officers who are not Works and Buildings disbursers, should keep the accounts prescribed in rules 12 to 14 of Appendix 7 of the Civil Account Code, Volume I, and should also keep a ledger account of each project in Form 34 so as to check the expenditure incurred on each project and to make the necessary agreement with the treasury accounts.

When a Land Acquisition Officer receives an advance in cash for disbursement, he should also enter in a daily cash-book the total sum received in cash, the total daily payment (of which the details are entered in the counterfoils of Form C in Appendix 7 of the Civil Account Code, Volume I), and the daily cash balance in his hands.

Scale of establishment.

160. (*1*) The standard scale of establishment for an officer specially employed in acquiring land for a new work of any importance is as follows:—

1 Head clerk and accountant.

1 Second clerk and cashier.

---

* *Vide* Government Order No. 9939 (15) L. A, dated the 16th September 1950.

1 Third clerk.

1 Peshkar.

2 Muharrirs.

1 Surveyor and Draftsman.

1 Draftsman.

1 Orderly peon.

2 Office peons.

6 Process-serving peons.

1 Treasury guard.

1 Duftry.

1 Sweeper.

(*2*) The pay of the field establishment should be in the following time-scales:—

Surveyor—Rs. 40—4/2—60.

Amin—Rs. 30—2/2—40.

Chainman—Rs. 13—1/5—17 plus compensatory allowance of Rs. 2 for A class districts.

(*3*) The pay of the clerical staff should generally be in the time-scale prescribed for the permanent lower division clerks of the Collectorate. When, however, the work and responsibilities involved are such as to call for the services of an upper division clerk the pay of one such post may be in the time-scale prescribed for the permanent upper division clerks of the Collectorate. Similarly the pay of the menials should be in the time-scales prescribed for the corresponding permanent posts of the Collectorate. The following principles should be observed in fixing the pay:—

(*a*) The initial pay of the upper division clerks should be fixed at the minimum of the time-scale of the upper division of the Collectorate and subsequently they will earn increments in the said time-scale.

(*b*) The initial pay of the lower division clerks should be fixed at the minimum of the time-scale of the lower division of the Collectorate and subsequently they will earn increments in the said time-scale.

(*c*) The initial pay of the menials should be fixed at the minimum of the time-scales of pay of the corresponding permanent posts of the Collectorate and subsequently they will earn increments in the respective time-scales.

(*d*) If a permanent clerk or a menial of the Collectorate is deputed to hold any of the temporary posts corresponding to his permanent post he will draw his substantive pay, a temporary hand being taken in the chain of his arrangment in the Collectorate. When,

however, a permanent lower division clerk is appointed to the post of the upper division clerk in the temporary establishment he will draw pay as in the time-scale of the upper division of the Collectorate.

(*4*) The outsiders appointed to these temporary posts of clerks may be absorbed by the Collector in due course in the permanent vacancies in the Collectorate if they are fully qualified and eligible for absorption in the general line.

(*5*) The full establishment mentioned in sub-paragraph (*1*) above must not be employed as a matter of course. On the other hand, work can often be expedited and economy effected by the temporary increase of that portion of the staff for which for the time being there is excessive work: the object to be aimed at in considering what staff is suitable at any stage of the proceedings is that the Land Acquisition Officer shall be kept fully employed and that his progress shall not be delayed by arrears of clerical work, and at the same time that the subordinate staff shall not be so large that the Land Acquisition Officer will not be able to control it efficiently.

(*6*) As regards field establishment, no hard and fast rules can be laid down. As many amins as may be required and can be efficiently supervised by the Special Officer should be employed, and also two chainmen for each amin. A Land Acquisition Officer will find it difficult to supervise the work of more than five or six amins. When it is necessary to employ more than six amins at a time, trained surveyors should be employed at the rate of one for every additional six amins: for this purpose District Kanungoes who have been trained at the Comilla Survey School or the West Bengal Survey Institute, Bandel, will be most suitable, but if they are not available other trained surveyors should be engaged. The field establishment should be disbanded as soon as field work is completed. Ordinary local enquiries may be conducted by the "surveyor and draftsman" on the Special Officer's regular staff. The "draftsman", who is usually a good amin, may also be employed on urgent local enquiries when necessary.

Combination of offices of accountant and cashier to be discouraged.

161. One and the same clerk should not be both accountant and cashier, and the combination of the duties of bill drawing and disbursing should not be allowed.

Where there is a separate Land Acquisition Office, the Head Clerk should carefully supervise the work of the other clerks and should satisfy himself by frequent inspection of records and registers that the correct procedure in work and the rules of accounts are strictly observed. If the Land Acquisition Officer is not a Works and Buildings disburser and has no pass book, he should obtain from the Treasury at the end of the month a list of bills drawn by him, showing (1) No. of voucher, (2) date of payment, (3) nature of the bill and (4) amount of the bill.

Security from clerks in Land Acquisition offices.

162. Clerks in Land Acquisition Offices, both of Special Deputy Collectors and officers of the general staff, who handle and disburse moneys received for pay bills, travelling allowance, contingencies, etc., must furnish security, which should be 10 per cent. in excess of the maximum amount likely to be in their custody at one time for such purposes. The gazetted officer in

charge of any such office is directly responsible for sums drawn from the treasury for disbursement to parties as compensation money and must keep such money in his personal custody.

Specific sanction required for entertainment of temporary establishment.

163. The mere sanction of Government to an estimate containing a provision for the entertainment of an extra establishment is not a sufficient authority for the employment of that establishment by local officers. Whenever any temporary establishment is required for work in connection with the acquisition of land for public purposes, specific sanction of Government to its entertainment is necessary under Article 57 of the Civil Account Code, Volume I. Commissioners of Divisions are, however, empowered to sanction the entertainment of temporary establishments under Deputy Collectors of the general line (*i.e.*, not Works and Buildings disbursers) without reference to the higher authorities, subject to the existence of adequate budget provision for the purpose in the budget of the district concerned under the head "7—Land Revenue—Charges of District Administration."

164. Deleted.

Estimates and final charges for establishment and contingencies.

165. Under section 50 of the Act local authorities and companies for whom land is acquired are required to bear the charges of, and incidental to, acquisition. These charges comprise the salaries and travelling allowance of the Land Acquisition Officer and of the establishment, contingent charges including the cost of forms and stationery, rent and municipal taxes for the rooms occupied by the Land Acquisition Office and law charges incurred in conducting references.

No preliminary estimate can be prepared for law charges; the actual expenditure incurred will be separately recorded for each project and charged to the local authority or company concerned.

In projects of companies and of local authorities, the establishment and contingent charges must be separately estimated for and charged to the company or local authority as part of the cost of acquisition. When the Land Acquisition Officer and his establishment are engaged solely on the projects of one company or authority these estimates and charges can be accurately calculated and present no difficulty. But when they are engaged on the projects of more than one company or authority or partly on acquisition of land for Government or for a State Railway and partly on acquisition of land for companies and local authorities or when the Land Acquisition Officer or his staff are not employed solely on land acquisition the following procedure will be adopted with a view to the equitable distribution of the charges for establishment and contingencies.

When the estimate cannot conveniently be based on a forecast of actual charges it will ordinarily be calculated by taking a percentage of the estimated compensation: this percentage will ordinarily vary from 5 per cent. on expensive projects to 20 per cent. on small projects. The Land Acquisition Deputy Collector will very carefully prepare at the close of each month an apportionment statement in the prescribed Form No. 40,

of this Manual, showing the charge debitable to each project on account of establishment for that month, the charge in each case being based on the proportion of the time of the officer and his establishment devoted to such project provided however that special charges incurred solely on account of any individual project should be debited solely to that project. For the preparation of this statement it is not necessary to maintain any record of the actual time spent on the several projects: if it is prepared punctually at the end of each month the Land Acquisition Officer, with a list of the projects in hand before him, will have no difficulty in estimating the proportionate amount of time spent on each and of allocating the total cost of establishment accordingly. As regards contingent charges it is left to the discretion of the Collector to base the final charges on the actual cost of forms, stationery, etc., or when this is impracticable to charge a fixed percentage which should however be based on a consideration of the actual contingent expenditure of his office in a given year and of the amount paid in compensation during that year. In apportioning charges for establishment the time devoted to references should be included. The total of the charges so apportioned under the orders of the Collector month by month will ultimately be entered in column 19 of Form 23 for each project in accordance with the instructions given in paragraph 121(*3*).

The instructions above do not apply to the Land Acquisition Officers of Calcutta who apportion the charges for establishment and contingencies at the end of every year between Government and the authorities for whom they acquire land, and who base their apportionment on the time taken, the area acquired and the compensation paid and submit the apportionment statement to Government in the Land and Land Revenue Department.

Cost of temporary establishment how to be met in the case of acquisition of land for a local authority.

166. The cost of any temporary establishment employed under a Deputy Collector of the general line in connection with proceedings for the acquisition of land required by a company, or a local authority should not be charged directly against the deposits made in the treasury by such authority, but should be paid by Government and debited to the head "Charges of Administration—General Establishment—Land Acquisition establishment" in the Land Revenue Budget as laid down in article 118, Civil Account Code, Volume I, and in the rules in Appendix 5 referred to in rule 110 of the Bengal Financial Rules. Recoveries from such companies or authorities on account of establishment charges should be adjusted in reduction of the charges for establishment under the above head, the gross charges and recoveries being shown as separate entries.

NOTE.—For recovery of Leave Contribution, *vide* paragraph 173.

167. Deleted.

Cost of any extra field establishment employed at a contract rate how to be met.

168. The cost of any extra field establishment employed at a contract rate under a Deputy Collector of the general line for the measurement of land required by Government may be met from the Collector's contract contingent grant under the head "Charges of District Administration—General Establishment—Miscellaneous".

169. In any case in which land is acquired for a Municipality or other authority financially independent of Government, the Government may direct that the payments, instead of being made and audited in the same manner as the ordinary payments of such authority, shall be made and audited as if the land were being acquired for Government. If Government issues such an order, the Collector or other officer who makes payments on account of the land acquired, shall draw funds from the Treasury and make payments in the same manner as if the land were being acquired for Government. The Municipality or other authority will pay the estimated cost of the compensation including the cost of establishment to the credit of Government in advance on such dates and in such instalments as the Government may direct, further payment to Government being required as soon as the Accountant-General reports that the payments made exceed the amount received in advance. The Accountant-General will deal with the accounts and payments as prescribed in these rules, debiting the payments against the advances received from the Municipality or other authority.

Payments how to be made and audited when land in taken up for a Municipality or other public body.

170. Whenever land is acquired for a purpose which is not strictly a Government purpose, as for a company or a local authority, the whole cost of the acquisition, including the establishment and contingent charges referred to in paragraph 165, should be charged to such company or authority.

Adjustment of cost of land required for a company or a local authority.

171. When Government accepts a donation from a private body or individual for the purpose of acquiring land for a public purpose, and it is intended that the land shall vest permanently in Government, the donation will be credited to Government as a receipt of the department concerned, and the land will be acquired for Government and at the expense of Government. In such cases specific budget provision for the expenditure is required, and accordingly the compensation is paid out of public revenues.

Payment of compensation and of costs of acquisition how to be made when Government accepts as a donation the cost of a scheme.

172. In cases of acquisition of land on behalf of a company or a local authority financially independent of Government, such as are referred to in paragraph 170, when it is directed by Government that the payments, instead of being made and audited in the same manner as the ordinary payments of such company or authority, shall be made and audited as if the land were being acquired for Government, proceedings shall not be commenced until the amount of the estimated cost of the acquisition, inclusive of the cost of establishment, has been paid into the treasury in the manner provided for in paragraph 169. In such cases, in addition to the cost of acquisition, the company or municipality or other authority concerned shall be required to pay to the State Government the capitalised value of the revenue assigned to the land calculated at 35 times the annual amount of revenue remitted when the land appertains to a revenue-paying permanently-settled holding in Calcutta, Panchannagram, Baranagar and Sahiban Bagicha in the district of 24-Parganas, and at 25 times the annual amount of revenue remitted when the land appertains to any revenue-paying holdings or estates in other places. The estimated cost of establishment and the capitalized value of the revenue assigned to the land in any case in which

When proceedings for acquisition on behalf of a local authority or company should commence and how the capitalized value of the abatement of Government revenue should be accounted for.

such value is payable to Government, shall be credited separately in the treasury cash account when realized, and not mixed up with the compensation and other cost to be paid for the land.

This paragraph and paragraph 170 apply to the cost of establishments employed in acquiring land for village channels under sections 50 to 52 of the Bengal Irrigation Act III (B.C.) of 1876 but not to the cost of establishments employed for acquiring land for Railway Companies which are supplied with land free of charge by Government.

Charges for temporary land acquisition establishment and capitalised value of land revenue recoverable from Central Government.

172A. Charges on account of temporary land acquisition establishment and capitalised value of land revenue abated are payable by the Railway and other departments of the Central Government when land is acquired for them (*vide* the Land Transfer Rules, in Appendix L to the Bengal Land Acquisition Manual, 1917, Part II, as inserted by Correction Slip No. 87, dated the 17th June 1938, and subsequently amended by Correction Slip No. 90, dated the 25th May 1943). Such charges have therefore to be included in the estimates for acquisition of lands for the Central Government.

Establishment charges, leave and pension contributions and capitalised value of land revenue not to be realised from private institutions in certain cases.

172B. (1) Contingent charges, (2) charges on account of the salary of Land Acquisition Officers, and establishment including their leave and pension contributions and the capitalised value of land revenue are not realised from the private educational institutions, when land is acquired for them partly at their expense and partly at the expense of Government, in consideration of the fact that such educational institutions are not profit-making concerns and that the land, after acquisition, vests absolutely in Government and is made over to the institutions concerned only for occupation and use by means of a licence. The charges mentioned in items (1) and (2) are also exempted in cases of similar acquisition in behalf of private medical institutions. This has therefore to be borne in mind while preparing estimates for the acquisition of land in such cases.*

Recovery of contributions for pension and leave allowances of the establishment employed in acquiring land for a company or a local authority.

173. When any permanent establishment of Government (gazetted or clerical) is employed in acquiring land for a company or a local authority and the cost of such establishment is recovered under section 50(*1*) of Act I of 1894 from the company or local authority concerned, contributions for pension and leave allowances should also be recovered in respect of both the Land Acquisition Officer and of the pensionable members of his establishment in accordance with the provisions of rule 117 of the Fundamental Rules†, whether the audit be the duty of the Accountant-General or of the Examiner of Accounts of a Railway Company. Contribution for leave allowance only, however, should be recovered in respect of those members of the land acquisition establishment who have no permanent appointment under Government. But any leave allowances actually paid to them during the period when they are so employed should be omitted in calculating the recoveries to be made under section 50(*1*) of Act I of 1894.

*This paragraph is based on (1) Revenue Department order No. 10668(4)L.A., dated the 17th November, 1941. (2) Education Department order No. 1319T.Edn. dated the 12th October, 1933, and (3) Medical and Public Health Department, order No. 2633/3L-3/49(13), dated the 21st June, 1949.

†*See* new rule 104 of the West Bengal Service Rules, Part I.

If an officer who is entitled to passage concessions is employed, passage contribution at the rate of Rs. 50 a month should also be recovered.

Law charges may be met by Deputy Collectors and will be admitted in contingent bills passed by the Collector.

174. Deputy Collectors employed in acquiring land for irrigation and railway purposes are empowered to meet law charges incurred by them, and the Accountant-General, West Bengal, or the Examiner of Accounts concerned, as the case may be, will admit the charges in the monthly contingent bills when duly supported by vouchers, provided that the bills have first been passed by the Collector of the district.

Disbursement of costs under sections 8 and 4.

175. The Collector must disburse all costs of measurement under section 8. Costs when incurred under section 4 will be disbursed by the officer entrusted with the preliminary investigation.

Adjustment of cost of Irrigation Department lands made over to railways.

176. When any land belonging to the Irrigation Department is made over to a railway, its full market value at the time of transfer should be debited to the capital account of the railway, or to head "40—Subsidised companies—Land" where a Company's railway is provided with land by Government free of charge; but the question of the cost of alterations to any works which may be rendered necessary by the transfer of the land should not be dealt with by the Land Acquisition Officer. This will be a matter for arrangement between Government and the General Manager of the Railway, to be settled before the transfer of the land is authorised.

Procedure for the resumption of Government land leased out on terms providing for its resumption for a public purpose without payment of any compensation for the land itself.

177. (*1*) The following instructions are to be observed in the resumption of Government land leased out on terms which provide for its resumption for a public purpose without payment to the lessee of any compensation for the land itself. When such land is required for a Railway or for any other Commercial Department for which regular Capital and Revenue Accounts are kept the full market value of the land is debitable to the Railway or Department for which the land is required, the debit in the case of a Railway being made in accordance with the instructions contained in the Railway Board's Resolution No. 412F—18, dated the 15th May 1919, *see* Appendix IIF to this Manual, and in the case of a Commercial Department in accordance with paragraph 1508(*v*) of the Communications and Works Department Code, Volume II. The expression "full market value" in these cases will be interpreted as including the value of all interests in the land other than the proprietary interest of Government. In such cases the lessee not being entitled to any compensation for the land under the terms of the lease, the whole of the valuation should be credited to Government to that head to which the sale-proceeds of such land would be creditable under article 181(*6*) of the Audit Code. When such land is required for any department of Government other than a Commercial Department for which regular Capital and Revenue Accounts are kept it will be resumed and transferred to the requiring department free of charge on the principle laid down in paragraph 1508(*iv*) of the Communications and Works Department Code, Volume II, unless compensation is due under the terms of the lease for any improvements made by the lessee in which case the requiring department will bear the cost of such compensation.

Transfer of State lands between the Central Government and the Provincial Governments.

(2) The rules regarding transfer of State lands and buildings between the Central Government and the State Governments are contained in the Land Transfer Rules as inserted in Appendix L of the Bengal Land Acquisition Manual, 1917, Part II, by Correction Slip No. 87, dated the 17th June 1938, and amended by Correction Slip No. 90, dated the 25th May 1943.

Adjustment of value of road lands made over to railways.

178. Where a railway authority bears the cost of diverting a Works and Buildings Department road or District Board road, it should not be required to pay for the land in user as the existing road, but it should pay for trees transferred with the existing road.

179. Deleted.

Other rules regarding recovery and adjustment of charges.

180. Rules regarding the recovery and adjustment of charges incurred in connection with the acquisition of land for public purposes including the audit procedure are contained in rule 110, note to clause 4 of S. R. 47 and S. Rs. 68 to 71 of the Bengal Financial Rules, Appendix 7 of the Civil Account Code, Volume I (eighth edition), and Appendix 15 of the Treasury Rules, Bengal, and the Subsidiary Rules made thereunder, Volume II.

CHAPTER XVIII.

Returns.

Periodical returns.

181. The following returns are to be submitted periodically by Land Acquisition Deputy Collector to Commissioners of Divisions:—

(*i*) *Return XVIII.*—Progress in taking up land for public purposes.

(*ii*) *Return XVIII* (*a*).—Progress made in the temporary occupation, under section 35 of the Act, of land required for public purposes.

These statements should be submitted quarterly in all cases. Monthly returns, however, may be ordered by the Collector or the Commissioner in the case of officers solely employed on land acquisition work. When a Special Officer is employed, the statement should be accompanied by a concise account of the kind of work which has been principally engaging his attention during the month, the data on which he is calculating or proposes to calculate compensation, and any other information of importance. Where a decision is given by the Civil Court affecting rates over a large area, or in a number of cases involving a large amount of compensation, the grounds on which the Court proceeded should be briefly stated, and any intention to appeal should also be mentioned.

(*iii*) *Return XVIII* (*b*).—Annual statement showing the progress made by Deputy and Sub-Deputy Collectors solely employed on land acquisition work.

This return should be submitted annually, showing for each officer the amount of work which he had to do during a year and the amount done during the year. As the work of any particular project or part of a project may be of a specially

troublesome nature, any special difficulties with which the Land Acquisition Officer had to deal should be furnished in an explanation sheet attached to the return.

Forms of these returns are Forms 35, 36 and 37.

The returns showing the work of an officer solely employed upon the duties of land acquisition or those showing the progress in land acquisition work made by an officer who, in addition to his land acquisition duties, is employed in the general line, need not be submitted to Government, but will be finally reviewed and disposed of by the Commissioner of the Division. These returns should show the stages of each case from the receipt of orders under section 7 to the taking of possession under section 16. A case will be brought on to these returns immediately upon receipt of orders under section 7 of the Act.

Commissioners should insist upon the punctual submission of the returns.

Special rules for Calcutta Land Acquisition Officers.

182. The progress returns showing the work done by Land Acquisition Officers of Calcutta for the Calcutta Improvement Trust and the Calcutta Corporation will be submitted to Government in the Land and Land Revenue Department. For cases of the Improvement Trust the returns will be submitted quarterly and annually in the special Forms 38 and 39 and for cases of the Calcutta Corporation they will be submitted quarterly and annually in the usual Forms 35 and 37. Returns for all other projects will be submitted to the Commissioner of the Presidency Division in accordance with paragraph 181.

CHAPTER XIX.

Inspection.

Inspection of Land Acquisition Offices by Collectors and Commissioners.

183. Government attach importance to the regular inspection of the offices of officers entrusted with the duties of land acquisition. Such inspection of the proceedings of officers in the general line are governed by the usual rules regulating the inspection of Collectorates and Subdivisional Offices; but, in the absence of other specific orders, it is necessary to lay down that the offices of Deputy Collectors specially deputed to land acquisition work should also be fully inspected by Collectors at least once a year and by Commissioners at such intervals as may be convenient. The notes of inspections made by Collectors should be submitted to the Commissioner of the Division.

Inspection questions.

184. The following is a list of questions for the inspection of a Land Acquisition office:—

(*1*) Who is the Land Acquisition Officer and how long has he been in charge?

(*2*) What is the establishment employed? Is the work properly distributed and are all members of the staff fully employed?

(*3*) What are survey qualifications of the Land Acquisition Officer, Kanungo, Surveyor and Amins?

Procedure preliminary to declaration.

(*4*) Examine the procedure which is followed on receipt of a requisition for plan and estimate. What requisitions are pending? Have any been unduly delayed? Does the Land Acquisition Officer fix dates and see that they are adhered to? (Paragraph 12.)

(*5*) What procedure is followed by the Land Acquisition Officer for ascertaining from the Registration office and recording for reference the sale prices of land? If the Deputy Collector does not obtain the information by personal examination of registers and documents by whom is it obtained, and to what extent is the work checked by the Deputy Collector?

Is the ascertained sale price per acre worked out and recorded and is the information readily available for use when references are made to the Civil Court? (Paragraph 22.)

(*6*) In preparing estimates does the Land Acquisition Officer consult settlement records and road cess returns? (Paragraph 22.)

(*7*) Does the Land Acquisition Officer consult the Collector when preparing the estimates in important cases and does he submit full information at the time of doing so? (Paragraph 22.)

(*8*) Does the Collector keep himself informed of the building projects of the various Departments of Government with a view to arranging for the acquisition of compact blocks of land where this will be convenient? (Paragraph 30.)

(*9*) Does the Collector personally attend the meeting of the Site Selection Committee constituted under Public Works Department Circular No. 3B., dated the 21st April 1917, in the case of important projects? (Paragraph 7.)

Procedure from declaration to award.

(*10*) What method is followed in dividing a project into cases, and does it admit of a definite valuation of the interest of each person interested? (Paragraph 54.)

(*11*) Are order sheets prepared for each separate case record? Are they written up regularly? Are dates fixed and adhered to? Do the order sheets show that the persons interested have had facilities for knowing the dates to which enquiries have been adjourned? (Paragraph 56.)

(*12*) Do the order sheets show on which of the persons interested the notice under section 9(*3*) was served, and which of the persons interested have appeared [section 12(*1*)] and whether they have accepted the award [section 18(*1*)] and agreed as to the apportionment (section 29)? (Paragraph 56.)

(*13*) Do the awards show that compensation has been apportioned among all the persons known to be interested? If in any case the compensation due to two or more parties has been lumped together for what reason did the Land Acquisition Officer neither decide on the apportionment nor make a reference under section 30? (Paragraph 59.)

(*14*) Do the records show that the claimants have had reasonable opportunities for presenting their claims and having them investigated? Do they show the grounds on which the Land Acquisition Officer based his awards? (Paragraph 58.)

(*15*) Has the Local Authority or Company requiring the land been informed of the dates fixed for enquiry and has it had opportunity to appear and contest claims and produce evidence as to the value of the land? (Paragraph 53.)

(*16*) On what principles are the interests of landlords and of tenants distinguished, and are tenants deprived of any portion of the actual market value of their interests on the ground that transfer without the landlord's consent does not convey a valid title? (Paragraphs 66 and 67.)

(*17*) What principles are followed in valuing houses? (Paragraphs 70 and 71.)

(*18*) Are notices of awards issued promptly under section 12(*2*) to persons who are neither present nor represented when the awards are made?

(*19*) Has there been any undue delay in making awards in cases in which possession has been taken before award under section 17? (Paragraph 99.)

(*20*) On what principles is compensation assessed for temporary occupation? (Paragraph 91.)

Procedure after the award.

(*21*) Does the Land Acquisition Officer take care not to make payments before the time for reference has expired [section 18(*2*)], and when payments are due does he make them promptly? Are payments made locally when this is desirable? (Paragraphs 92, 96 and 99.)

(*22*) Has any compensation money been placed in Revenue Deposit which with proper diligence might have been paid to the parties to whom it is due? (Paragraph 94.)

(*22*) (*a*) Is there any undisbursed compensation money with the Land Acquisition Deputy Collector or elsewhere? If so, has any delay occurred in disbursing the same, which with proper diligence might have been avoided? What check does he exercise in avoiding such delays?

(*23*) Does the Land Acquisition Officer ever alter his award after he has made it, and if so, what is the explanation? (Paragraph 63.)

(*24*) Have references under section 18 been made promptly and have the particulars required by section 19 been fully entered? (Paragraphs 76 and 80.)

(*25*) Have any applications for reference been refused? If so, examine the applications and see whether the refusal was legal. (Paragraphs 76 and 77.)

(*26*) Have references frequently resulted in an enhancement of the award? If so, examine the records carefully and ascertain whether this is due to the cases not being properly represented before the Judge, to deficiencies in the information contained in the Land Acquisition Officer's record, or to under-valuation or wrong principles adopted by the Land Acquisition Officer.

(*27*) When the requiring authority is a Local authority or Company is notice given to it when a notice is received under section 20? (Paragraph 82.)

(*28*) When costs have been decreed to Government in reference cases has the Land Acquisition Officer taken proper steps to realise them, and are there any costs long outstanding? (Paragraph 84.)

(*29*) Have payments been promptly made when the Judge has enhanced award so as to avoid accumulation of interest? (Paragraph 102.)

Miscellaneous.

(*30*) Has any land been temporarily occupied under the orders of the Land Acquisition Officer under section 35 for a period exceeding three years, and if so, under what circumstances? On the expiration of the term of temporary occupation is possession invariably restored formally to the persons interested therein? [Paragraph 90(*2*).]

(*31*) Are enquiries under section 40 held in strict conformity with the terms of that section?

(*32*) Are the forms of agreements under section 41 approved by Government before being executed by the Companies concerned?

(*33*) Have there been any cases in which Government has withdrawn from acquisition of land after possession has been taken? If so, did all the persons interested agree and was the case reported to the Commissioner for orders? Was care taken that the raiyats as well as the zamindars were restored to their former positions? (Paragraph 113.)

(*34*) Has the acquisition of any land been stayed on account of the objection of an owner to the acquisition of part of a building? If so, did the objection specifically state that the owner desired the whole of the building to be acquired and was the objection made before the award? Has the Land Acquisition Officer refused to refer such a case to the Civil Court, and if so, on what grounds was his refusal justified?

(*35*) As soon as awards are made and possession taken are certified copies of the amin's plans showing the lands actually acquired, prepared and furnished to the requiring authorities? (Paragraph 129.)

(*36*) Are statements of abatement of revenue submitted quarterly in duplicate in Form 19, and is one copy received back in the Land Acquisition office, with the signature of the Tauzi Navis? (Paragraph 86.)

(*37*) Are alienations of Land and Revenue due to acquisition communicated to the Land Registration Deputy Collector in Form 18D prescribed in the Land Registration Manual and does the Land Acquisition Deputy Collector get receipts for the statements? (Paragraphs 115 and 118.)

(*38*) Has there been any delay in the preparation of final reports and in the deposit of records in the record-room? If so, what are the causes?

(*39*) Are the several registers of the Land Acquisition Department properly kept and written up to date?

(*40*) Has necessary action been taken on all points raised in the last inspection notes of (*a*) Commissioner, (*b*) Collector and (*c*) Deputy Collector?

FORM 1.

[*See* paragraph 10.]

Standard Form of Agreement to be executed by a Company desiring to acquire land under section 41 of the Land Acquisition Act.

[1] Here insert "name".
[2] Insert description appropriate to the Company, *vide* definition, section 3(*e*) of the Act.
[3] Insert description of words.

MEMORANDUM OF AGREEMENT made this.....day of..... 19.....between the[1].....Company, a Company ([2]registered under the Indian Companies Act, 1882) and having its registered office at.....in.....(hereinafter called "the Company") of the one part and "the Governor" of the State of West Bengal (hereinafter called the Governor) of the other part.

WHEREAS for the purpose of the construction of..... .....the Company has applied to the Government of West Bengal for the acquisition under the provisions of the Land Acquisition Act, 1894, of the piece or parcel of land containing..... acres or thereabout situate in the village of.....in the district of.....and more particularly described in the schedule hereto and delineated in the plan hereunto annexed.

AND WHEREAS the said Government of West Bengal, being satisfied by an enquiry held under section 40 of the said Act that the proposed acquisition is needed for the aforesaid purpose and that the said work is likely to prove useful to the public, has consented to acquire on behalf of the Company the piece or parcel of land hereinbefore described.

AND WHEREAS the said Government of West Bengal has required the Company under the provisions of section 41 of the above-mentioned Act to enter into the agreement with the Governor hereinafter contained. Now this indenture witnesseth that it is hereby agreed and declared as follows:—

1. On demand the Company shall and will pay to the said Government of West Bengal all and every compensation in respect of the said land tendered, paid or awarded or to be tendered, paid or awarded by the Collector under the Land Acquisition Act, 1894, or by Court to which a reference under Part III of the said Act may be made, or by the Court or Courts to which an appeal from the award of the said Court may be preferred and all costs, charges and expenses of the proceedings in the aforesaid Courts, or otherwise incidental to the proposed acquisition or payable in respect thereof under the provisions of the said Act.

2. On demand made by the said Collector the obligations of the Company under the last preceding clause not being thereby limited, the Company shall and will deposit with the said Collector such sum or sums of money as in his discretion the said Collector may in anticipation estimate to be necessary for the purposes mentioned in the last preceding clause.

3. On payment by the Company of all demands under the foregoing first clause, or, in the discretion of the said Government of West Bengal (on deposit by the Company of all estimated

amounts as provided in the second clause), but not before possession shall have been taken under the provisions of the above-mentioned Act, the Governor shall make over possession of the said land to the Company and shall execute and do all such acts and deeds as may be necessary and proper for effectually vesting the same in the Company.

4. The said land shall be held by the Company for the purposes of such a.....as is hereinbefore mentioned and without the sanction in writing of the said Government of West Bengal first had and obtained for no other purpose whatsoever.

5. The said.....shall be completed ([1]and fully equipped in all respects ready for use) within.....year(s) from the date on which possession of the said land shall have been given to the Company.

[1] Insert these words if appropriate to the particular work.

6. Should the said.....not be completed (and fully equipped in all respects ready for use) within the period stated in the last preceding clause or within such further period as in its discretion may be prescribed or allowed by the said Government of West Bengal or should the said land at any time thereafter cease for a period of.....consecutive months, to be held and used or cease to be required for the purpose or purposes provided for in the foregoing fourth clause then and in any such case, the said Government may summarily re-enter upon and take possession of the said land together with all buildings thereon, whether such buildings were erected before or after transfer of the land to the Company, and thereupon the interest of the Company in the said land and buildings shall absolutely cease and determine.

7. On taking such possession the said Government may sell or otherwise deal with the said land and buildings as it may think proper.

(*i*) Should the said Government sell the land with the buildings the said Government after deducting the expenses incurred in connection with the said taking of possession and with such sale shall pay the proceeds to the Company.

(*ii*) Should the said Government decide not to sell the land and buildings, the said Government shall retain the said land and buildings thereon in which case the Governor shall repay to the Company the market value as on the day of re-entry of all the buildings erected by the Company and all sums received from the Company in respect of all and every compensation as provided in the foregoing first clause (less the statutory allowance of 15 per cent. and less any amount received on account of trees and buildings which are not in existence at the time of resumption), but will not repay any sums paid and received on account of costs, charges and expenses.

(*iii*) Should the said Government decide to sell the buildings only upon such sale, the Governor shall, after deducting the expenses of taking possession and selling, pay the balance of the proceeds of sale to the Company, together with the sum received from the Company in respect of the compensation for the land (less the statutory allowance of 15 per cent. and less any amount received from the Company on account of trees and buildings

which are not in existence at the time of resumption), but will not repay any sum paid and received on account of costs, charges and expenses.

8. The public shall be entitled to use the..... on the following terms.....

9. Should any dispute or difference arise touching or concerning the subject matter of this agreement or any covenant clause or thing herein contained the same shall be referred to the said Government of West Bengal and the opinion and decision of the said Government upon such dispute or difference shall be final and conclusive and binding on the parties hereto.

THE SCHEDULE ABOVE REFERRED TO.

All that piece or parcel of land situated in the village of ....., J. L. No....., P. S....., district....., containing an area of B....., C....., Ch..... Sq. ft. .....equivalent to.....acres comprising C. S./R. S. plots Nos.....bounded on the—

North—

East—

South—

West—

and called or known as premises No.....

IN WITNESS WHEREOF (the.....[1]Company has caused its common seal to be affixed and the Governor of the State of West Bengal hath hereunto set his hand and seal) the day and year first above written.

(Or, as the case may be) so and so the duly constituted attorney of the Company and the Governor of the State of West Bengal have hereunto set their respective hands and seals.

[2]The common seal of the abovenamed.....Company was hereto affixed in the presence of.....

Seal.

Witness.

Managing Agents.

[2] (Or as the case may be) signed, sealed and dselivered by (sign).

Attorney for the Company in the presence of (witness).

Signed, sealed and delivered by .....Member, Board of Revenue and Secretary to the Government of West Bengal in the Department of Land and Land Revenue (*ex officio*), on behalf of the Governor of the State of West Bengal.....

(Signature.)

(Witness.)

FORM 1A.

[*See* sub-paragraph (*2*) to paragraph 10.]

Standard Form of Deed of Transfer to be executed in cases of acquisition of land for Companies under section 41 of the Land Acquisition Act.

THIS INDENTURE is made this.....day of.....one thousand nine hundred and.....BETWEEN THE GOVERNOR OF THE STATE OF WEST BENGAL (hereinafter called "The Governor" which expression where not repugnant to the context shall include his successors in office and assigns) of the one part and the ....a Company registered under the..... .....Act and having its registered office at..... and having a branch office at..... (hereinafter called "The Company" which expression where not repugnant to the context shall include its successors and assigns) of the other part.

WHEREAS in the month of.....the Company applied to the Governor to acquire the premises hereinafter described under the provisions of the Land Acquisition Act, I of 1894, on behalf of the Company to enable the Company to construct thereon a..... ....., and the Governor after enquiry held under the provisions of the said Act being satisfied that the proposed acquisition was needed for the aforesaid purpose and that the said work was likely to prove useful to the public, consented to acquire the said premises on behalf of the Company.

AND WHEREAS pursuant to the provisions of section 41 of the said Act the Company entered into an Agreement with the Governor bearing date the.....whereby it was agreed *inter alia* that the Company should pay to the Governor all compensation to be awarded and all costs, charges and expenses payable in respect of the said acquisition and that the Company should construct and complete on the said premises the necessary buildings and plant for the said.....within.....years from the date on which possession of the said premises should be given to the Company and further that the public in the vicinity of the said..... when completed should be entitled to..... and it was also agreed that the Governor should execute and do all acts and deeds necessary and proper for vesting the said premises in the company.

AND WHEREAS the Governor proceeded to acquire the said premises and a declaration No.....dated the..... under section 6 of the said Act that the land was needed for the said purpose was duly published in the "Calcutta Gazette" of the..... .....

AND WHEREAS the.....having duly held an enquiry made an award of compensation under section 11 of the said Act and duly took possession under section 16 or 17(*1*) of the said Act of the premises which thereupon vested absolutely in the Government of West Bengal (hereinafter referred to as "the Government" free from all encumbrances.

AND WHEREAS on the.....day of.....one thousand nine hundred and.....possession of the said premises was made over by the Governor to the Company.

AND WHEREAS the COMPANY HAS paid to Government/deposited with the Collector on.....the sum of Rupees .....being the amount so far demanded under clause (*1*)/ clause (*2*) of the aforesaid Agreement under section 41 of the Land Acquisition Act, I of 1894, and whereas the Company admits its liability to pay any further sum or sums demanded under clause (*1*) or (*2*) of the aforesaid Agreement.

AND WHEREAS the said premises are by virtue of the Adaptation of Laws Order, 1950, made under Article 372(2) of the Constitution of India, vested in the Government in trust for the Company and the Company has requested the Governor on behalf of the Government to execute these presents for the purpose of vesting the said premises in the Company in accordance with the said Agreement.

NOW THIS INDENTURE WITNESSETH that in pursuance of the said Agreement the Governor on behalf of the Government and acting under the provisions of Article 299 of the Constitution of India, doth hereby grant transfer convey and assign unto the Company ALL THAT piece or parcel of land more particularly delineated in the plan hereunto annexed and described in the Schedule hereunder written with its appurtenances hereinbefore and hereinafter referred as the said premises TO HOLD unto the Company absolutely free of revenue and free from encumbrances but subject to the provisos following that is to say PROVIDED ALWAYS and it is hereby agreed and declared that if at any time hereafter the said premises shall (except with the sanction in writing of the Governor first had and obtained) be used by the company for any purposes other than the.....or purposes incidental thereto or if the said premises for a period of.....consecutive months cease to be held and used or cease to be required for such purpose or purposes the Governor may re-enter upon and take possession of the said premises together with all buildings thereon (whether such buildings were erected before or after transfer of the land to the Company) which shall thereupon vest in the Government, absolutely and the Governor may either sell the said premises and buildings thereon and upon such sale the Governor shall after deducting the expenses of taking possession and selling pay the balance of the proceeds of sale to the Company or the Governor may retain the said premises together with all buildings thereon in which case the Governor shall repay to the Company the market value as on the day of re-entry of all the buildings erected by the Company and all sums received from the Company in respect of the atoresaid compensation (less the statutory allowance of 15 per cent. and less any amount received from the Company on account of trees and buildings which are not in existence at the time of resumption) but not sums received on account of costs, charges and expenses provided also that should any dispute arise as regards the market value of the above buildings erected by the Company the same shall be referred to the Government and the opinion and decision of the Government upon such dispute shall be final and conclusive and binding upon the parties hereto.

Provided also that if at any time hereafter the Governor on behalf of the Government shall become entitled to exercise the power of resumption of the said premises and shall fail to exercise such power the Company may at any time give to the Governor notice in writing calling upon him to exercise such power and if the said power shall not be exercised within

one year after receipt of such notice by him the same shall be deemed to be waived and thereafter shall cease to be exercisable and the said premises shall thenceforth be and remain vested in the Company absolutely and for ever AND the Governor hereby covenants with the Company that he has not at any time done or knowingly omitted or suffered any act, deed or thing whereby he is in any way prevented or restrained from transferring the said premises unto the Company in manner aforesaid AND the Company hereby covenants with the Governor that subject to the provisos hereinbefore contained the public in the vicinity of the said.....
constructed upon the said premises shall be entitled to.....
.....

THE SCHEDULE ABOVE REFERRED TO.

All that piece or parcel of land situated in the village of.....
J. L. No....., P. S....., district.....containing an area of B.....C.....Ch.....Sq. ft.....
equivalent to.....acres comprising C. S./R. S. plots Nos.....
R. S. plots Nos.....bounded on the—

North—

East—

South—

West—

and called or known as premises No.....

IN WITNESS WHEREOF the parties to these presents have hereunto set their hands and seals the day and year first above written.

Signed, sealed and delivered by the .....Member, Board of Revenue and Secretary to the Government of West Bengal, Department of Land and Land Revenue (*ex officio*), for and on behalf of the Governor of the State of West Bengal in the presence of.....
.....

Signed, sealed and delivered by
.....
the duly constituted attorneys for
and on behalf of.....
in the presence of.....
.....

FORM 1B.

[*See* sub-paragraph (*3*) of paragraph 10.]

Standard Form of Agreement to be executed by an industrial concern desiring to acquire land under section 41, read with section 38A, of the Land Acquisition Act.

[A] MEMORANDUM OF AGREEMENT made this.....day of.....19.....
Between.....son of.....
residing at.....and carrying on business
under the name and style of .....and having his
principal place of business at.....hereinafter
referred to as "the Applicant",

[B] Between (1).....son of.....
residing at....., (2).....
son of.....residing at.....
and (3).....son of.....
residing at.....carrying on business under
the name and style of.....and having
their principal place of business at.....hereinafter
referred to as "the Applicants",

[C] Between (1).....son of.....
residing at....., (2).....
son of .....residing at.....
and (3).....son of.....
residing at .....carrying on business in
co-partnership under the name and style of.....
and having their principal place of business at.....
hereinafter referred to as "the Applicants",

(which expression shall, where the context so admits, be deemed to include his/their heirs, executors, administrators, representatives and assigns) of the one part and the Governor of the State of West Bengal hereinafter called "The Governor" (which expression shall, unless excluded by or repugnant to the context, be deemed to include his successors in office and assigns) of the other part.

WHEREAS the applicant is/applicants are the owner(s) and proprietor(s) of the industrial concern known as.....and located at.....(hereinafter referred to as "the said concern") and whereas for the construction and maintenance of.....
.....
for the use of the workmen employed at the said concern, the applicant(s) has/have applied to the Government of West Bengal for acquisition under the provisions of the Land Acquisition Act, 1894, of the piece or parcel of land together with buildings, structures, etc., standing thereon, containing .....acres or thereabout, situate in village....., thana....., district....., and more particularly described in the Schedule hereto and delineated in the plan hereunto annexed.

AND WHEREAS the said Government of West Bengal being satisfied by an enquiry held under section 40 of the said Act that the proposed acquisition

is needed for the aforesaid purposes and that the said work is likely to prove useful to the public has consented to acquire on behalf of the applicant(s), the piece or parcel of land hereinbefore described.

AND WHEREAS the said Government of West Bengal has required the applicant under the provisions of section 41 of the abovementioned Act to enter into the agreement with the Governor hereinafter contained.

NOW THIS INDENTURE WITNESSETH that it is hereby agreed and declared as follows:—

1. On demand the applicant(s) shall and will pay to the said Government of West Bengal all and every compensation in respect of the said land, tendered, paid or awarded or to be tendered, paid or awarded by the Collector, under the Land Acquisition Act, 1894, or by the Court to which a reference under Part III of the said Act may be made, or by the Court or Courts, to which an appeal from the award of the said Court or Courts may be preferred and all costs, charges, and expenses of the proceedings in the aforesaid courts or otherwise incidental to the proposed acquisition or payable in respect thereof under the provisions of the said Act.

2. On demand made by the said Collector the obligations of the applicant(s) under the last preceding clause not being thereby limited, the applicant(s) shall and will deposit with the said Collector such sum or sums of money as in his discretion the said Collector may in anticipation estimate to be necessary for the purposes mentioned in the last preceding clause.

3. On payment by the applicant(s) of all demands under the foregoing first clause or in the discretion of the said Government of West Bengal [on deposit by the applicant(s) of all estimated amounts as provided in the second clause] but not before possession shall have been taken under the provisions of the abovementioned Act, the Governor shall make over possession of the said land, buildings, etc., to the applicant(s) and shall execute and do all such acts and deeds as may be necessary and proper for effectually vesting the same in the applicant(s).

4. The said land shall be held by the applicant(s) for the purposes of construction and maintenance of.....
.....for the use of the workmen employed at the said concern (hereinafter referred to as "the said works") and without the sanction in writing of the said Government of West Bengal first had and obtained for no other purpose whatsoever and the same shall not at any time be dealt with, transferred or otherwise disposed of by the applicant(s) separately from the said concern and shall not be subjected or be liable to be partitioned or sub-divided for separate occupation or enjoyment of parts thereof without such sanction as aforesaid.

[1]Insert these words if appropriate to the particular work.

5. The said works shall be completed ([1]and fully equipped in all respects ready for use) within.....years from the date on which possession of the said land shall have been given to the applicant(s).

6. Should the said work not be completed (and fully equipped in all respects ready for use) within the period stated in the last preceding clause or within such further period as in its discretion may be prescribed or allowed by the said Government of West Bengal or should the said land at any time thereafter cease for the period of.....consecutive months to be held and used or ceased to be required for the purpose or purposes provided for in the foregoing fourth clause then and in any such case the said Government may summarily re-enter upon and take possession of the said land, together with buildings thereon, whether such buildings were

erected before or after transfer of the land to the applicant(s) and thereupon the interest of the applicant(s) in the said land and buildings shall absolutely cease and determine.

7. On taking such possession the said Government may sell or otherwise deal with the said land and buildings as it may think proper.

(*i*) Should the said Government sell the land with the buildings, the said Government after deducting the expenses incurred in connection with the said taking of possession and with such sale shall pay the proceeds to the applicant(s).

(*ii*) Should the said Government decide not to sell the land and buildings, the said Government shall retain the said land and buildings thereon in which case the Governor shall repay to the applicant(s) the market value as on the day of re-entry of all the buildings erected by the applicant(s) and all sums received from the applicant(s) in respect of all and every compensation as provided in the foregoing first clause (less the satutory allowance of fifteen per cent. and less any amount received on account of trees and buildings which are not in existence at the time of resumption) but will not repay any sums paid and received on account of costs, charges and expenses.

(*iii*) Should the said Government decide to sell the buildings only, upon such sale, the Governor after deducting the expenses of taking possession and selling, pay the balance of the proceeds of sale to the applicant(s) together with the sum received from the applicant(s) in respect of the compensation for the land [less the statutory allowance of fifteen per cent. and less any amount received from the applicant(s) on account of trees and buildings which are not in existence at the time of resumption] but will not repay any sum paid and received on account of costs, charges and expenses.

8. The public in the vicinity of the said concern shall, like the workmen employed therein, be entitled to.....at the..... .....to be constructed by the applicant(s) as a part and parcel of the said works.

9. Should any dispute or difference arise touching or concerning the subject matter of this agreement or any covenant, clause or thing herein contained the same shall be referred to the said Government of West Bengal and the opinion and decision of the said Government upon such dispute or difference shall be final and conclusive and binding on the parties hereto.

THE SCHEDULE ABOVE REFERRED TO.

All that piece or parcel of land measuring, more or less,.....acres, and comprising cadastral plots Nos.....in mouza....., jurisdiction list No....., thana....., district .....

IN WITNESS WHEREOF the parties hereto have executed these presents the day and year first above written.

Signed by the said applicant(s)

.....

.....(name) (Signature)

.....

.....(name) (Signature)

.....

.....(name) (Signature)

in the presence of:—

.....

(Signature of witness)

Signed by the Member, Board of Revenue and Secretary to the Government of West Bengal in the Land and Land Revenue Department (*ex officio*), on behalf of the Governor of the State of West Bengal in the presence of:—

.....

N.B.—Any of the alternative descriptions [A], [B] and [C] should be retained according to the requirement of the individual case.

[A] should be used when a single individual is the owner of the concern,

[B] when several individuals are joint owners, i.e., brothers inheriting the property from common ancestor, and

[C] when several individuals have contracted to carry on business in partnership, i.e., a firm.

FORM 1C.

[*See* sub-paragraph (*3*) of paragraph 10.]

Standard Form of Deed of Transfer to be executed in case of acquisition of land for Industrial concerns under section 41, read with section 38A, of the Land Acquisition Act.

THIS INDENTURE made this.....day of..... .....19..... BETWEEN THE GOVERNOR OF THE STATE OF WEST BENGAL hereinafter called "the GOVERNOR" (which expression shall unless excluded by or repugnant to the context be deemed to include his successors in office and assigns of the ONE PART and

[A] .....son of..... residing at.....and carrying on business under the name and style of..... .....and having his principal place of business at..... ....., hereinafter referred to as "the transferee",

[B] (1).....son of..... residing at....., (2)..... .....son of.....residing at..... .....and (3)..... son of.....residing at..... .....carrying on business under the name and style of..... .....and having their principal place of business at....., hereinafter referred to as "the transferees"

[C] (1).....son of..... residing at....., (2)..... .....son of.....residing at..... .....and (3)..... son of.....residing at..... .....carrying on business in co-partnership under the name and style of .....and having their principal place of business at....., hereinafter referred to as "the transferees",

(which expression shall unless excluded by or repugnant to the context be deemed to include their respective heirs, executors, administrators, representatives and assigns) of the OTHER PART.

WHEREAS the transferee(s) is/are the owner(s) and proprietor(s) of the Industrial concern known as..... ..... located at..... (hereinafter referred to as "the said concern") and whereas in the month of.....19.....the transferee(s) applied to the Governor to acquire the premises hereinafter described under the provisions of the Land Acquisition Act, I of 1894, on behalf of the transferee(s) for the construction and maintenance of..... .... for the use of the workmen employed at the said concern (hereinafter called

"the said works") and the Governor after enquiry held under the provisions of the said Act being satisfied that the proposed acquisition was needed for the aforesaid purpose and that the said works were likely to prove useful to the public, agreed to acquire the same premises on behalf of the transferee(s).

AND WHEREAS pursuant to the provisions of section 41 of the said Act the said transferee(s) entered into an agreement with the Governor bearing date the.....whereby it was agreed *inter alia* that the transferee(s) should pay to the Governor all compensation to be awarded and all costs, charges and expenses payable in respect of the said acquisition and that the transferee(s) should construct and complete on the said premises the necessary buildings and works for the said purposes as hereinbefore mentioned within.....months/years from the date on which possession of the said premises would be given to the transferee(s) and further that the public in the vicinity of the said concern shall, like the workmen employed therein, be entitled to .....at the..... ....., constructed by the transferee(s) as a part and parcel of the said works and it was also agreed that the Governor should execute and do all acts and deeds necessary and proper for vesting the same premises in the transferee(s).

AND WHEREAS the Governor proceeded to acquire the said premises and a declaration No..... .....dated the..... .....under section 6 of the said Act that the land was needed for the said purpose was duly published at page....., Part I of the *Calcutta Gazette* of the.....19.....

AND WHEREAS the..... having duly held an enquiry made an Award of compensation under section 11 of the said Act and duly took possession under section 16/under section 17(*1*) [1]partly under section 16 and partly under section 17(*1*) of the said Act of the premises which thereupon vested absolutely in Government of West Bengal (hereinafter referred to as "the Government"), free from all encumbrances.

[To be struck out where necessary.]

AND WHEREAS on the .....day of .....19..... [and on the.....day of.....19.....] possession of the said premises was made over by the Governor to the transferee(s).

AND WHEREAS the transferee(s) paid to the Government/deposited with the Collector of.....on.....the sum of Rs.....being the amount so far demanded under clause (1)/clause (2) of the aforesaid Agreement under section 41 of the Land Acquisition Act, I of 1894.

AND WHEREAS the transferee(s) admit(s) his/their liability to pay any further sum or sums demanded under clause (1) or clause (2) of the said Agreement.

AND WHEREAS the said premises are by virtue of the Adaptation of Laws Order, 1950, made under Article 372(*2*) of the Constitution of India, vested in the Government in trust for the transferee(s) and the transferee(s) has/have requested the Governor on behalf of the Government to execute these presents for the purpose of vesting the said premises in the transferee(s) in accordance with the said agreement.

NOW THIS INDENTURE WITNESSETH that in pursuance of the said Agreement the Governor on behalf of the Government and acting under the provisions of Article 299 of the Constitution of India, doth hereby grant transfer convey and assign unto the transferee(s) ALL THAT piece or parcel of land more particularly delineated in the plan hereunto annexed and described

in the Schedule hereunder written with its appurtenances hereinbefore and hereinafter referred as "the said premises" TO HOLD unto the transferee(s) absolutely free of revenue and free from encumbrances but subject to the provisos following that is to say PROVIDED ALWAYS and it is hereby agreed and declared that if at any time hereafter the said premises shall (except with the sanction in writing of the Governor first had and obtained) be used by the transferee(s) for any purposes other than the aforementioned purpose or purposes incidental thereto or if the said premises for a period of.....consecutive months cease to be held and used or cease to be required for such purpose or purposes the Governor may re-enter upon and take possession of the said premises together with all buildings thereon [whether such buildings were erected before or after transfer of the land to the transferee(s)] which shall thereupon vest in the Government absolutely, and the Governor may either sell the said premises and buildings thereon and upon such sale the Governor shall after deducting such expenses of taking possession and selling pay the balance of the proceeds of sale to the transferee(s) or the Governor may retain the said premises TOGETHER WITH all buildings thereon in which case the Governor shall repay to the transferee(s) the market value as on the day of re-entry of all the buildings erected by the transferee(s) and all sums received from the transferee(s) in respect of the aforesaid compensation [less the statutory allowance of 15 per cent. and less any amount received from the transferee(s) on account of trees and buildings which are not in existence at the time of resumption] but no sums received on account of costs, charges and expenses provided also that should any dispute arise as regards the market value of the above buildings erected by the transferee(s) the same shall be referred to the Government and the opinion and decision of the Government upon such dispute shall be final and conclusive and binding upon the parties hereto provided also that if at any time hereafter the Governor on behalf of the Government shall become entitled to exercise the power of resumption of the said premises and shall fail to exercise such power the transferee(s) may at any time give to the Governor notice in writing calling upon him to exercise such power and if the said power shall not be exercised within one year after receipt of such notice by him the same shall be deemed to be waived and thereafter shall cease to be exerciseable and the said premises shall thenceforth be and remain vested in the transferee(s) absolutely and for ever AND the Governor hereby covenants with the transferee(s) that he has not at any time done or knowingly omitted or suffered any act deed or thing whereby he is in any way prevented or restrained from transferring the said premises unto the transferee(s) in manner aforesaid AND the transferee(s) hereby covenant(s) with the Governor that he/they shall not without the sanction, in writing, of the said Government first had and obtained use the said premises for no purpose whatsoever other than those hereinbefore mentioned and shall not at any time deal with transfer or otherwise dispose of the same separately from their said business and that the said premises shall not be subject to or be liable to partition or subdivision for separate occupation or enjoyment either in whole or in parts without such sanction as aforesaid and that the public in the vicinity of the said concern shall, like the workmen employed at the said concern, be entitled to.....the..... constructed by the transferee(s) at the said premises.

THE SCHEDULE ABOVE REFERRED TO.

All that piece or parcel of land situated in mouza....., jurisdiction list No....., P.S....., district..... containing an area of more or less.....acres comprising cadastral plots Nos.....

IN WITNESS WHEREOF the parties to these presents have hereunto set their hands and seals the day and year first above written.

Signed, sealed and delivered by .....Member, Board of Revenue and Secretary to the Land and Land Revenue Department (*ex officio*) of the Government of West Bengal on behalf of the Governor of the State of West Bengal in the presence of:—

Seal.

.....

Signature.

.....

(Signature and address of witness.)

Signed, sealed and delivered by the transferee(s) in the presence of:—

Seal.

.....

(Signature and address of witness.)

.....

Signature.

(1)

(2)

(3)

N.B.—Any of the alternative descriptions [A], [B] and [C] should be retained according to the requirement of the individual case.

[A] should be used when a single individual is the owner of the concern,

[B] when several individuals are joint owners, i.e., brothers inheriting the property from common ancestor, and

[C] when several individuals have contracted to carry on business in partnership, i.e., a firm.

FORM 1D.

[*See* paragraph 10A.]

Standard Form of License to be executed to enable private institutions to use the lands acquired in behalf of such institutions by local bodies.

THIS INDENTURE made the.....day of.....BETWEEN THE District Board/Municipality of.....hereinafter called the District Board/Municipality of the One Part and.....
.....
the members of the Managing Committee of.....
.....
.....
(hereinafter called the Managing Committee, which term shall include the said persons and such other persons as shall from time to time be appointed members of such Managing Committee) of the Other Part.

This Indenture WITNESSETH that the District Board/Municipality doth hereby grant to the Managing Committee exclusive leave and license, until such license shall be determined in manner hereinafter mentioned, to enter upon, occupy and use for the purpose of....., the land specified in the schedule hereto and delineated in the plan hereunto annexed subject to the conditions following, that is to say:—

(1) Save as the District Board/Municipality shall from time to time permit with the approval of the Government of West Bengal the said land shall be used by the Managing Committee solely for the purpose of.....
.....

(2) The Managing Committee shall forthwith erect or cause to be erected the buildings of which signed plans and estimates are appended to this Indenture and shall complete the same in accordance therewith to the satisfaction of the.....by the day of.....

(3) The Managing Committee shall, during the continuation of the license hereby granted, pay or cause to be paid all rates and taxes and other outgoings which are now or may hereafter be charged, levied or imposed upon or in respect of the said premises by Government or any local authority whether the same be payable by owner or occupier.

(4) The Managing Committee shall keep and maintain the buildings and premises thereon in good repair and condition to the satisfaction of the District Board/Municipality.

(5) No building shall at any time be erected on the said premises, nor any alteration or addition made to the existing or to any future buildings that may be erected on the premises without the previous consent in writing of the District Board/Municipality.

(6) Neither the Managing Committee nor any member thereof shall derive any pecuniary return or benefit from the use of the said land or any part thereof save for the purpose of the.....

(7) The Managing Committee shall not transfer or assign this license or the benefit thereof or execute any instrument purporting to do so.

(8) The said.....shall be open to inspection at all reasonable times by any officer deputed by the Chairman of the District Board/Municipality and by the inspecting officer who may inspect institutions of the same class.

(9) In the event of the land being at any time required for a purpose declared by the Government of West Bengal to be a public purpose then on giving to the Managing Committee six months' notice in writing and in the event of the breach, non-performance or non-observance of any of the foregoing conditions or if the said land at any time cease for a period of 12 consecutive months to be held and used or cease to be required for the purpose or purposes provided for in foregoing first clause then and in any such case without notice the District Board/Municipality shall, on the expiration of such notice or immediately, as the case may be, be entitled to revoke and determine the license hereby granted and re-enter upon the said land or any part thereof in the name of the whole and thereupon the Managing Committee shall be bound to give to the District Board/Municipality or any officer authorised in this behalf quiet and peaceable possession of the said land and of all buildings erected thereon:

Provided that the Managing Committee shall be entitled to such compensation for all buildings erected upon the land as may be fixed by and in accordance with an estimate made by the....., Engineer of..... at the time of the determination of the said license and not to exceed the cost of the said buildings, or the value thereof at the time of such determination whichever shall be less:

Provided always that in the case of any such breach, non-performance or non-observance of any of the said conditions, the omission by the District Board/Municipality thereupon to enforce the provisions of this clause shall not prejudice or affect his right to enforce such provisions thereafter in respect of any subsequent or continuing occasion.

(10) Upon any appointment of a person as member of the Managing Committee in the place of any of the parties hereto of the other part such person shall forthwith inform the District Board/Municipality in writing of his appointment and shall agree to observe and perform the said conditions and to be bound thereby as if he had been a party hereto and thereafter this license shall continue in force as if such person had originally been a party to these presents and in case of failure of such person to make such agreement as aforesaid within one month after appointment he shall not be entitled to any benefit under this license.

(11) In the event of any dispute or difference touching or concerning the subject matter of this license or any covenant clause or thing herein contained, such dispute or difference shall be referred to the said District Board/Municipality of.....whose opinion and decision shall be final in every case.

SCHEDULE ABOVE REFERRED TO.

All that piece or parcel of land situated in mauza....., jurisdiction list No....., P.S....., district....., containing an area of more or less.....acres comprising cadastral plots Nos.....

IN WITNESS WHEREOF the said parties hereto have hereunto set and subscribed their hands and seals the day month and year first above written.

Signed, sealed and delivered for and on behalf of the District Board/Municipality by the Chairman and a member thereof in the presence of.....

Signed, sealed and delivered by the Members of the Managing Committee of.....
.....
in the presence of.....
.....

FORM 2.

[*See* paragraph 13.]

Form of Notification under section 4, Act I of 1894, for use when a preliminary investigation is necessary.

(To be used when land is required for any purpose other than a purpose of the Central Government.)

WHEREAS it appears to the Governor that land in the district of .....is likely to be needed for a public purpose, viz., for the construction of a line of railway,* from.....to....., notice is hereby given to all whom it may concern that in exercise of the powers conferred by section 4 of the Land Acquisition Act I of 1894, the Governor has authorised the Engineers of the..... for the time being engaged on this undertaking to enter upon and survey land, and do all other acts, required for the proper execution of their work as provided for or specified in the said section.

The general route to be taken for the survey will be from..... to.....

FORM 2A.

[*See* paragraph 13.]

Form of Notification under section 4 of the Land Acquisition Act, 18 (I of 1894), for use when a preliminary investigation is necessary.

(To be used when land is required for a purpose of the Central Government

WHEREAS the functions of the Central Government under the La Acquisition Act, 1894 (I of 1894), in relation to the acquisition of land the purposes of the Union have been entrusted to the State Government notification No. 123/50Judl., dated the 30th September, 1950, issued the Government of India in the Ministry of Home Affairs under clause (of article 258 of the Constitution of India;

AND WHEREAS it appears to the Governor that land in the district .....is likely to be needed for a public purpose, being purpose of the Union, namely, for the construction of a line of railwa from.....to....., notice is hereb given to all whom it may concern that in exercise of the powers conferr by section 4 of the Land Acquisition Act, 1894 (I of 1894), read with t said notification, the Governor has authorised the Engineers of the..... .....for the time being engaged on this undertaking to ent upon and survey land and do all other acts required for the proper execution of their works provided for or specified in the said section.

The general route to be taken for the survey will be from..... to.....

---

*Or road, canal, etc., as the case may be.

FORM 3.

[*See* paragraph 19A(*1*).]

Form of Notification under section 4, Act I of 1894, for land which can be specified.

(To be used when land is required for any purpose other than a purpose of the Central Government.)

WHEREAS it appears to the Governor that land is likely to be required to be taken by Government at the public expense for a public purpose, viz., for.....in the village of....., jurisdiction list No....., thana....., pargana....., zilla....., it is hereby notified that for the above purpose a piece of land comprising cadastral plots..... .....and measuring, more or less,.....acres, bounded on the [*here specify the boundaries*] is likely to be required within the aforesaid village of.....

This notification is made under the provisions of section 4 of Act I of 1894, to all whom it may concern.

A plan of the land may be inspected in the office of the..... .....

In exercise of the powers conferred by the aforesaid section, the Governor is pleased to authorize the officers for the time being engaged in the undertaking, with their servants and workmen, to enter upon and survey the land and do all other acts required or permitted by that section.

Any person interested in the above land, who has any objection to the acquisition thereof, may, within thirty days after the date on which public notice of the substance of this notification is given in the locality, file an objection in writing before the Collector.

Collector.

Dated.....19....

NOTE 1.—All names or places in a draft notification should be entered in capital letters.

NOTE 2.—When land is required to be taken by Government at expense of a Company for a work of public utility, the words "at the expense of the (name of the company)" should be substituted for the words "at the public expense" and instead of the words "a public purpose" the work should be concisely described.

NOTE 3.—When the cost is borne partly out of public revenues or the fund of a local authority the words "partly at the public expense/expense of (name of local authority) and partly at the expense of (name of the authority)" shall be substituted for the words "at the public expense".

NOTE 4.—When cadastral plot Nos. of the area to be acquired are given boundaries need not be given.

FORM 3A.

[*See* paragraph 19A(*1*).]

Form of Notification under section 4 of the Land Acquisition Act, 1894 (I of 1894), for land which can be specified.

(To be used when land is required for a purpose of the Central Government.)

WHEREAS the functions of the Central Government under the Land Acquisition Act, 1894 (I of 1894), in relation to the acquisition of land for the purposes of the Union have been entrusted to the State Government by notification No. 123/50Judl., dated the 30th September, 1950, issued by the Government of India in the Ministry of Home Affairs under clause (*1*) of article 258 of the Constitution of India;

AND WHEREAS it appears to the Governor that land is likely to be required to be taken by the Central Government at the public expense for a public purpose being a purpose of the Union, namely, for....., ...in the village of....., jurisdiction list No..... ....., thana....., pargana ....., zilla....., it is hereby notified that for the above purpose a piece of land comprising cadastral plots..... .....and measuring, more or less,.....acres, bounded on the (*here specify the boundaries*) is likely to be required within the aforesaid village of.....

This notification is made, under the provisions of section 4 of the Land Acquisition Act, 1894, read with the said notification to all whom it may concern.

A plan of the land may be inspected in the office of..... .....

In exercise of the powers conferred by the said section read with the said notification, the Governor is pleased to authorise the officers for the time being engaged in the undertaking, with their servants and workmen, to enter upon and survey the land and do all other acts required or permitted by that section.

Any person interested in the above land, who has any objection to the acquisition thereof, may, within thirty days after the date on which public notice of the substance of this notification is given in the locality, file an objection in writing before the Collector of.....

.....

Collector.

Dated.....*19*...

FORM 4.

[*See* paragraph 17.]

Register of applications for acquisition.

The columns should be as below:—

1. Serial No.
2. Requiring authority.
3. Purpose for which land required.
4. Date of application.
5. Date of submission of draft notification under section 4(*1*) to the Commissioner.
6. Date of publication of the notification in the *Calcutta Gazette*.
7. Date of publication of the notification in the locality.
8. Number of objections received.
9. Date of hearing of objections.
10. Date of report to Commissioner.
11. Date of final order of Government and its purport.
12. Date of submission of draft declaration under section 6.
13. Date of submission of estimate.
14. Date of publication of declaration under section 6.
15. Number of case in register No. 5.
16. Remarks.

FORM 4A.

[*See* paragraph 20.]

Estimate of the probable cost of acquiring land under Act I of 1894 for the.....

Description of land and area in acres and decimals.	Rate of rent per acre.	Annual rent of each class of land.	Total rent.	Deductions.			Net annual profit.	Compensation for lands at years' purchase of the net profit.	Value of tenants' interest.	Value of houses and trees, etc.	Total market value.	Additional compensation at 15 per cent. on the market value under section 23 (2).	Damages, if any, under clauses 2 to 6 of section 23 (1).	Capitalized value of Government revenue in cases of permanently-settled estates at years' purchase under paragraph 172 of the Government instructions.	Total.	Contingencies including cost of measurement.	Cost of establishment and pay of the Land Acquisition Officer, where these charges are payable.	Grand total.	Remarks.
				Collection charges at 10 per cent.	Government revenue ascertained under rule 3 or rule 4 of Government rules.	Total.													
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20
Acres.																			
Waste																			
Arable																			
Homestead																			
Bazar																			
Etc.																			

CERTIFIED that the estimate is fair and that the rates have been arrived at after local enquiry and inspection of the ground and with reference to the settlement records and road-cess papers and the records of the Registration Department.

N.B.—Interest when payable is to be noted in the remarks column.

DISTRICT,

The 19 *Land Acquisition Officer.* *Collector.*

FORM 4B.

[*See* paragraph 87.]

Estimate of cost of temporary occupation of land under Act I of 1894 for.....

Description of land and area in acres and decimals.	Jute per acre per year.	Value.	Paddy per acre per year.	Value.	Pulses per acre per year.	Value.	Other crops per acre per year.	Value.	Value of trees removed, if any.	Total of columns 2, 4, 6, 8 and 9.
	1	2	3	4	5	6	7	8	9	10
Arable										
Waste										

Description of land and area in acres and decimals.	Deduction.			Net profit per annum.	Net amount payable to the tenants for the period of occupation.	Cost of Land Acquisition Establishment when payable to Government.	Grand Total.	Remarks.
	Cost of cultivation.	*Rent payable to zamindars.	Total of columns 11 and 12.					
	11	12	13	14	15	16	17	18
Arable								
Waste								

*This amount should be taken into account only in cases when the Collector finds it necessary to pay the rent to the zamindar.

Certified that the estimate is fair.

.....district,

The.....*19* *Land Acquisition Officer.* *Collector.*

FORM 5.

[*See* paragraph 23.]

Form of Declaration under section 6, Act I of 1894.

(To be used when land is required for any purpose other than a purpose of the Central Government.)

WHEREAS it appears to the Governor that land is required to be taken by Government at the public expense for a public purpose, viz., for....., in the village of....., jurisdiction list No....., thana....., pargana....., zilla....., it is hereby declared that for the above purpose a piece of land comprising cadastral plots.....
.....measuring, more or less, ...acres, bounded on the [*here specify the boundaries*], is required within the aforesaid village of.....

This declaration is made, under the provisions of section 6 of Act I of 1894, to all whom it may concern.

A plan of the land may be inspected in the office of the.....
.....

Collector.

Dated.....19.....

NOTE 1.—All names of places in a draft declaration should be entered in capital letters.

NOTE 2.—When land is required to be taken by Government at the expense of a Company for a work of public utility, the words "at the expense of the (name of the Company)" should be substituted for the words "at the public expense," and instead of the words "a public purpose," the work should be concisely described.

NOTE 3.—When cadastral plot Nos. of the area to be acquired are given boundaries need not be given.

FORM 5A.

[*See* paragraph 23.]

Form of Declaration under section 6 of the Land Acquisition Act, 1894 (I of 1894),

(To be used when land is required for a purpose of the Central Government.)

WHEREAS the functions of the Central Government under the Land Acquisition Act, 1894 (I of 1894), in relation to the acquisition of land for the purposes of the Union have been entrusted to the State Government by notification No. 123/50Judl., dated the 30th September, 1950, issued by the Government of India in the Ministry of Home Affairs under clause (*I*) of article 258 of the Constitution of India;

AND WHEREAS it appears to the Governor that land is required to be taken by the Central Government at the public expense for a public purpose, being a purpose of the Union, namely, for....., in the village of....., jurisdiction list No....., thana..... ....., pargana....., zilla

(4) **Pages 144 and 145.**—*Delete* the existing Form 5A and *substitute* the following :—

(5) **Page 145.**—*Delete* the existing Form 6 and *substitute* the follo wing :—

FORM 6

[*See* paragraphs 23 and 25]

Form of Declaration under section 6, Act I of 1894, and section 3, clause (1), Act XVIII of 1885

(*To be used when land is required for any purpose other than a purpose of the Central Government*)

Whereas the Governor is satisfied that land is needed for a public purpose, not being a purpose of the Union, namely, for.....in the village of....., jurisdiction list No....., thana....., pargana..... ....., zilla....., it is hereby declared that a piece of land comprising cadastral plots..... .....measuring, more or less, ...acres, bounded on the (here specify the boundaries), ... is needed for the aforesaid public purpose at the public expense within the aforesaid village of..... ;

Mines of coal, iron-stone, slate or other minerals lying under the land or any particular portion of the land, except only such parts of the mines and minerals as it may be necessary to dig or carry away, or use in the construction of the work for the purpose of which the land is being acquired, are not needed.

This declaration is made, under the provisions of section 6, Act I of 1894, and section 3, clause (1), Act XVIII of 1885, to all whom it may concern.

A plan of the land may be inspected in the office of the.....

Dated.....*19*..... .....

Collector.

Note 1.—All names of places in a draft declaration should be entered in capital letters.

Note 2.—When land is needed for a Company for a work of public utility, the words "at the expense of the aforesaid Company" should be substituted for the words "at the public expense".

Note 3.—When cadastral plot numbers of the area to be acquired are given boundaries need not be given.

....., it is hereby declared that for the above purpose a piece of land comprising cadastral plots....., measuring, more or less,.....acres, bounded on the (*here specify the boundaries*), is required within the aforesaid village of.....
.....

This declaration is made, under the provisions of section 6 of the Land Acquisition Act, 1894 (I of 1894), read with the said notification, to all whom it may concern.

A plan of the land may be inspected in the office of the.....
.....

.....
Collector.

Dated.....*19*...

FORM 6.

[*See* paragraphs 23 and 25.]

Form of Declaration under section 6, Act I of 1894, and section 3, clause (1), Act XVIII of 1885.

(To be used when land is required for any purpose other than a purpose of the Central Government.)

WHEREAS it appears to the Governor that land is required to be taken by Government at the public expense for a public purpose, viz., for.....
....., in the village of....., jurisdiction list No.....
....., thana....., pargana....., zilla.....,
it is hereby declared that for the above purpose a piece of land comprising cadastral plots.....measuring, more or less, ...acres, bounded on the [*here specify the boundaries*], is required within the aforesaid village of.....

Mines of coal, iron-stone, slate or other minerals lying under the land or any particular portion of the land, except only such parts of the mines and minerals as it may be necessary to dig or carry away, or use in the construction of the work for the purpose of which the land is being acquired, are not needed.

This declaration is made, under the provisions of section 6, Act I of 1894, and section 3, clause (1), Act XVIII of 1885, to all whom it may concern.

A plan of the land may be inspected in the office of the.....
....

Collector.

Dated.....*19*.....

NOTE 1.—All names of places in a draft declaration should be entered in capital letters.

NOTE 2.—When land is required to be taken by Government at the expense of a Company for a work of public utility, the words "at the expense of the (name of the Company)" should be substituted for the words "at the public expense," and instead of the words "a public purpose," the work should be concisely described.

NOTE 3.—When cadastral plot Nos. of the area to be acquired are given boundaries need not be given.

FORM 7.

[*See* paragraphs 40 and 47.]

Schedule of lands in the mile of the from to in the district of

No. of plot.	Name of village.	No. of estate on the district roll, and its name.	Name of proprietor.	Name of intermediate tenant, with description of his rights.	Name of lessee or raiyat, with description of his rights.	Names of cultivators and owners of houses, trees, or crops.	Description and quantity of land in acres and decimals.	Measurement of each plot.		Description of trees.				Description of particulars of houses, etc.				Description of standing crop.	Remarks.
								Square feet.	Area in acres and decimals.	Kind.	Number.	Length.	Girth.	Description.	Length.	Breadth.	Height.		
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20

NOTE 1.—When the land is taken for a railway, a separate schedule in this form is to be prepared for each class of land—A, B, C or D.

NOTE 2.—If the number of trees of separate kinds is large and the length and girth of all the trees cannot conveniently be entered, the trees of each kind should be divided into different classes according to their size, and the class to which the trees belong should be entered in column 13, the mode of classification being shown in the column of remarks.

Dated *19* *Collector.*

FORM 8.

[*See* paragraph 53.]

Form of General Notice to be published under clauses 1 and 2, section 9, Act I of 1894, for land to be taken up.

NOTICE is hereby given that.....acres, more or less, of land situate in or near the village of.....described below, and recently marked out and measured, are about to be taken by Government for a [*here specify the purpose*], under Act I of 1894, in accordance with a declaration No....., dated....., published in the Government Gazette of the..... All persons interested in this land are hereby called upon to appear personally or by agent on the [*enter a date not less than fifteen days from the date of publication of the notice*] at the office of....., at....., to state the nature of their interest in the land, and the amount and particulars of their claims to compensation for the same, and their objections, if any, to the measurements made under section 8 of the Act.

**Boundaries.*

North—

South—

East—

West—

Dated.....19.... *Collector.*

*Or in areas cadastrally surveyed serial numbers of the settlement fields in which the land is comprised.

FORM 9.

[*See* paragraph 53.]

Form of Special Notice to be issued under clauses 3 and 4, section 9, Act I of 1894, to occupiers of the land to be taken up and other persons known or believed to be interested in it, or to be entitled to act for persons so interested.

NOTICE is hereby given that.....acres, more or less, of land situate in or near the village of.....described below, and recently marked out and measured, are about to be taken by Government for a [*here specify the purpose*], under Act I of 1894, in accordance with a declaration No....., dated....., published in the Government Gazette of the..... If you have any interest in this land or are entitled to act for persons so interested, you are hereby called upon to appear personally or by agent on the [*enter a date not less than fifteen days from the date of the publication of the*

notice] at the office of....., at....., to state the nature of such interest in the land, and the amount and particulars of any claim you may wish to prefer for the same, and your objections, if any, to the measurements made under section 8 of the Act.

FORM 10.

[*See* paragraph 53.]

Form of Requisition under section 10, Act I of 1894, to be added when necessary to Notice in Form 9.

You are hereby required to *make or deliver to* the undersigned *at* (*here specify the place*) *on* (*here specify the date not earlier than 15 days from the date of requisition*) a statement containing, so far as may be practicable, the name of every person possessing any interest in the land, or any part thereof, referred to in the notice of.....served on you, as co-proprietor, sub-proprietor, mortgagee, tenant, or otherwise, and of the nature of such interest, and of the rents and profits (if any) received or receivable on account thereof for three years next preceding the date of the settlement.

Dated.....*19*....

Collector.

FORM 11.

FORM

[*See* para

Register No. 5 of Land Acquisition

Land declared for acquisition in Notification No....., dated the.....19.....
authorised in the order of the Government No....., dated

*Here enter
†Here enter "Government or name of Railway or

Number of case and number of mile, if any.	Date of institution of the case.	Name of mauza, Mauzawari Register C. No., Thana, Pargana and District.	Description of land; name of estate to which it appertains, and whether revenue-paying or revenue-free; tauzi number, if revenue-paying and district to the revenue roll of which the estate appertains; number in Register B, if revenue-free.	Area of land in acres and decimals acquired in each mauza or village.		Amount of the Government revenue, if any, deemed payable in respect of the land, and the date from which abatement of revenue, if any, takes effect.			Amount of capitalised value of Government revenue paid to Government.			Name of each claimant and the nature of his claim, *i.e.*, whether a proprietor, manager, mortgagee, or tenant of any kind.	Value awarded by the Collector for land, including buildings, houses, trees, etc., with reference to section 11 and clause 1 of section 23 (*1*) of the Act.			Additional compensation awarded under section 23 (2) of the Act calculated at 15 per cent. on the market value shown in column 9.		
1	2	3	4	5		6			7			8	9			10		
				A.	D.	Rs.	a.	p.	Rs.	a.	p.		Rs.	a.	p.	Rs.	a.	p.

NOTE 1.—In column 4 the description of land should be given by stating whether it is fallow, cultivated
NOTE 2.—The amount of Government Revenue in column 6 should be shown for each estate.
NOTE 3—Proceeds of property sold on behalf of Government, such as trees or crops for which compensation
column 20.

Dated *19*

11.

graph 55.]

cases under Act I of 1894.

published in the *Calcutta Gazette* of the....., for*.....for†.....and the acquisition the.....19.....

"purposes."
Local authority, etc., for whom required."

Damages and expenses assessed by the Collector, with reference to section 11 and clauses 2-6 of section 23 (1) of the Act.			Amount of interest and period for which awarded under section 28 of the Act, calculated at 6 per cent. on the amounts shown in columns 9-11.			Total amount awarded by Collector, i.e., total of columns 9-12 and date of award.			Date on and the section of the Act under which possession of the land was taken. If under section 17, the No. and date of Government order authorizing possession under that section.	Date of reference to the Civil Court.	Amount of compensation given by Civil Court, and date of decision.			Amount of cost paid by Collector under section 27.			Result of appeal under section 54, and date of decision.	Date of payment.	Remarks. (See also foot-note 3.)
11			12			13			14	15	16			17			18	19	20
Rs.	a.	p.	Rs.	a.	p.	Rs.	a.	p.			Rs.	a.	p.	Rs.	a.	p.			

homestead, etc., and if cultivated, how cultivated.

is awarded and the number and date of order confirming the acquisition proceedings may be shown in

Collector.

FORM 12.

Deleted.

FORM 13.

[*See* Paragraph 60.]

Land Acquisition.

Case No. of 19

Proceedings under section 11, Act I of 1894.

Name of Project.	
No. and date of the notification and declaration under which the land is to be acquired.	Notification No. , date Published at page , Part of the *Calcutta Gazette* of the Declaration No. , dated Published at page . Part of the *Calcutta Gazette* of the
Situation and extent of the land, in acres, the numbers of field plots on the survey map, the village in which situate with the number of mile plan, if any.	
Description of the land, *i.e.*, whether fallow, cultivated, homestead, etc. If cultivated, how cultivated ?	
Basis of calculation.	

Amount allowed for the land itself without the trees, buildings, etc., if any.	Rs.
Amount allowed for trees, crops, houses, huts, or any other immovable things.	Rs.
Total value of the land.	Rs.
Additional compensation on the market value under section 23 (*2*).	Rs.
Damages under clauses secondly to fourthly and sixthly of section 23 (*1*) and expenses incidental to change of residence under clause fifthly.	Rs.
Interest under section 34, Act I of 1894.	Rs.
Capitalized value of Government revenue abated.	
Award under section 11, Act I of 1894.	Total Rs. (in words)
Particulars of abatement of Government revenue. (For Calcutta, state also Division, Subdivision and Block.)	Name of estate Tauzi No. Holding No. District.
	Area of parent Estate Revenue of parent Estate Rs.
	Amount of Government revenue abated Rs.
	Date from which the abatement takes effect.

Apportionment of the amount of compensation.

Serial No.	Names and addresses of persons interested and the nature of their respective interests.	Amount payable to each.			Amount paid and date of payment.	Remarks. (*N. B.*—Note cheque No. if paid by cheque and signature of officer.)
		Rs.	a.	p.		
	Carried over ..					

Apportionment of the amount of compensation—*concld.*

Serial No.	Names and addresses of persons interested and nature of their respective interests.	Amount payable to each.			Amount paid and date of payment.	Remarks. (*N.B.*—Note cheque No. if paid by cheque and signature of officer.)¶
		Rs.	a.	p.		
	Brought forward ..					
	Total ..					
	(In words)					

Dated *19* *Collector.*

Date on which possession was taken under section 16 or 17, Act I of 1894. If under section 17, the number and date of the relevant orders of Government.

Dated *19* *Collector.*

FORM 14.

[*See* paragraph 61.]

Table for calculating the 15 per cent. additional compensation under section 23(2) of Act I of 1894.

Rs. a. p.		Rs. a. p.	Fractions.	
0 0 1		..	3/20	
0 0 2		..	6/20	
0 0 3		..	9/20	
0 0 4		.. .	12/20	
0 0 5		..	15/20	
0 0 6		..	18/20	
0 0 7		0 0 1	1/20	
0 0 8		0 0 1	4/20	
0 0 9		0 0 1	7/20	
0 0 10		0 0 1	10/20	
0 0 11		0 0 1	13/20	
0 1 0		0 0 1	16/20	
0 2 0		0 0 3	12/20	
0 3 0		0 0 5	8/20	
0 4 0		0 0 7	4/20	
0 5 0		0 0 9		
0 6 0		0 0 10	16/20	
0 7 0		0 1 0	12/20	
0 8 0		0 1 2	8/20	
0 9 0		0 1 4	4/20	
0 10 0		0 1 6	..	
0 11 0		0 1 7	16/20	
0 12 0		0 1 9	12/20	
0 13 0		0 1 11	8/20	
0 14 0		0 2 1	4/20	
0 15 0		0 2 3	..	
1 0 0		0 2 4	16/20	
2 0 0		0 4 9	12/20	

Rs.	a.	p.		Rs.	a.	p.	Fractions.	
3	0	0		0	7	2	8/20	
4	0	0		0	9	7	4/20	
5	0	0		0	12	0	..	
6	0	0		0	14	4	16/20	
7	0	0		1	0	9	12/20	
8	0	0		1	3	2	8/20	
9	0	0		1	5	7	4/20	
10	0	0		1	8	0	..	
11	0	0		1	10	4	16/20	
12	0	0		1	12	9	12/20	
13	0	0		1	15	2	8/20	
14	0	0		2	1	7	4/20	
15	0	0		2	4	0	..	
16	0	0		2	6	4	16/20	
17	0	0		2	8	9	12/20	
18	0	0		2	11	2	8/20	
19	0	0		2	13	7	4/20	
20	0	0		3	0	0	..	
30	0	0		4	8	0	..	
40	0	0		6	0	0	..	
50	0	0		7	8	0	..	
60	0	0		9	0	0	..	
70	0	0		10	8	0	..	
80	0	0		12	0	0	..	
90	0	0		13	8	0	..	
100	0	0		15	0	0	..	

FORM 15.

[*See* paragraph 56.]

Form of Notice under section 12(2) of Act I of 1894.

Project.

Number of case.

To

NOTICE is hereby given that in the above case, in which you have been treated as a person interested, an award was made by me on the.....19.....under section 11 of Act I of 1894. The sum payable to you is Rs..... If you are willing to accept payment, you should appear before me personally or by a duly authorized agent on or before..... Interest will not be payable in the case of failure to appear.

Collector under Act I of 1894.

Dated *19*

N.B.—The party is instructed to bring with him a proper identifier such as a Dafadar or a member of the Panchayat or the Union Board when the payment is demanded by himself and not through a legal practitioner.

2. He is also advised to bring with him a receipt stamp of anna one when the amount demanded is more than rupees twenty.

FORM 15A.

[*See* paragraph 73.]

Register of villages in which resumed Chaukidari Chakran land is acquired

Name of mauza.	Name of thana.	Particulars of resumption case.	Names of the Zamindars with the number of estate to which the mauza appertains.	Area of land originally resumed and transferred in acres and decimals.	Area of land acquired in acres and decimals.	Amount payable to Chaukidari Fund.	Particulars of acquisition showing the number and date of declaration, number of case and names of projects with date of giving effect.	Amount of compensation awarded to Government with date of credit.	Amount annually payable to Panchayat by Government out of the sum shown in column 7.	Remarks.
1	2	3	4	5	6	7	8	9	10	11

N.B.—All entries relating to one mauza should be made on the same page and on no page should there be entries relating to more than one mauza.

FORM 16.

[*See* paragraph 80.]

Land Acquisition.

CASE No. OF 19

Reference to the Court under section 18, Act I of 1894.

WHEREAS A. B., son of....., has not accepted the award made by me under section 11 of Act I of 1894, a copy of which is hereto annexed, and has required by the accompanying application that the matter be referred to the Court, I hereby make the reference to the Court of the.....

Name of project.	
Number and date of the declaration under which the land has been acquired.	Declaration No....., dated..... ....., published at page....., Part.....of the *Calcutta Gazette* of the
Situation and extent of the land in acres and decimals, the number of field plots on the map, the name of the village, and the number of mile plan, if any. Particulars of trees, buildings or standing crops, if any.	
Names and addresses of the persons found to be interested in the land, and nature of each person's interest.	
Amount awarded for damages, and paid or tendered under sections 5 and 17.	For land.
Compensation *awarded* under section 11.	For trees, houses, etc.
Grounds on which the amount of compensation was determined.	For crops and huts.
Nature of the objection taken to the award.	Total Rs.
	Total Rs. (in words).
Dated 19	*Collector.*

SCHEDULE.—Particulars of the notices served upon, and of the statements in writing made or delivered by the parties interested.

FORM 17.

[*See* paragraph 80.]

Land Acquisition.

CASE No.....OF 19

Reference to the Court under section 30, Act I of 1894.

WHEREAS a dispute exists between the parties interested (or between A and B) as to the apportionment of the compensation (or of a portion of the compensation) settled by me in the award made under section 11 of Act I of 1894, of which a copy is hereto annexed, I hereby refer such dispute for decision to the Court of.....

Name of project.	
Number and date of declaration under which the land has been acquired.	Declaration No....., dated..... published at page....., Part.....of the *Calcutta Gazette* of the.....
Situation and extent of the land in acres and decimals, the number of field plots on the map, the name of the village, and the number of mile plan, if any.	
Names and addresses of the persons interested in the land, and the nature of their respective interests.	
Amount of compensation awarded under section 11.	
Particulars of the dispute.	
Dated 19	*Collector.*

FORM

Register of

[*See* paragraph

Number of land acquisition case and number of mile, if any.	Date of Collector's award or date of receipt of notice from the Collector under section 12 (2).	Date of application for reference to the Collector.	Names and addresses of persons by whom reference is applied for.	Nature of objections raised.	Amount awarded by the Collector.	Date of reference to the Civil Court.	Amount of process fees deposited and the date or dates thereof.	Date of remittance of the process fees to the Civil Court.	Date of deposit of compensation in the Court or date of payment under protest.	Number of reference case in the Court.	Date of decision of the Court.
1	2	3	4	5	6	7	8	9	10	11	12

17A.

Reference cases.

84A.]

Amount awarded by the Court.		Costs decreed to Government.	Date of issue of notice upon the debtor to deposit the cost.	Amount recovered and deposited.	Number and date of chalan by which the amount is credited into treasury.	Cost decreed against Government.	Date of payment of excess compensation to the Court.	Date of appeal under section 54, if any, and date of decision.	Signature of Deputy Collector in token of satisfaction of decree in favour of Government.	Amount of excess compensation awarded by the High Court.	Amount of interest decreed by the High Court	Remarks.
Compensation.	Interest.											
13(*a*)	13(*b*)	14	15.	16	17	18	19	20	21	22	23	24

FORM 18.

[*See* paragraph 88.]

FORM of notice to be issued under clause 2 of section 35, Act I of 1894, to the persons interested in the land to be occupied and used temporarily.

Notice is hereby given that.....acres, more or less, of land situate in or near the village of....., district....., bounded as below and recently marked out, are required for temporary occupation and use under clause 1 of section 35 of Act I of 1894, in accordance with Government Order No....., dated.....,... for a..... .....period of.....for (*here specify the purpose*). If you have any interest in this land or are entitled to act for persons so interested you are hereby called upon to appear personally or by agent on the (*enter the date fixed*) at the office of.....at..... to state the nature of your interest in the land and the amount and particulars of any claim for compensation which you may wish to prefer. If you fail to put in an appearance as required above, compensation will be awarded *exparte* and the land will be entered upon and occupied for the purpose specified above.

Boundary.

North.....

East.....

South.....

West.....

Collector.

Dated.....19

FORM 19.

[*See* paragraph 86.]

Statement showing the amount of Land Revenue to be abated on account of Land "in the estates under direct management of Government" "estates other than those under the direct management of Government" in the district of taken up under Declaration No. dated the , for during the quarter ending 19

Number of mile.	Consecutive number of case.	Name of pargana.	Name of village.	Number of tauzi.	Area of parent estate in acres and decimals.	Assets of the parent estate.			Amount of Government revenue of parent estate.			Area acquired in acres and decimals.	Assets of the area acquired.			Proportionate Government revenue to be abated.			Date from which the abatement takes effect.	Remarks.
1	2	3	4	5	6	7			8			9	10			11			12	13
						Rs.	a.	p.	Rs.	a.	p.		Rs.	a.	p.	Rs.	a.	p.		

Note 1.—Information for columns 7 and 10 is required only in the case of abatement of the revenue allowed in accordance with the 1st clause of rule 4 of the rules issued by Government under the Land Acquisition Act, I of 1894.

Note 2.—The proportion of Government revenue to be deemed payable in respect of the land taken up should be calculated to pies, all fractions of a pie being dropped.

FORM 20.

[See paragraph 94.]

Form of notice of deposits of compensation under rule 10 of the Government Rules.

Project.

Number of case.

To

NOTICE is hereby given that Rs.....due to you on account of compensation awarded under Act I of 1894 in the above case has been placed in revenue deposit in the.....Treasury.

Dated *19* *Collector under Act I of 1894.*

FORM 21.

[See paragraph 112.]

Certificate of possession of land made over to the parties on whose behalf it has been acquired.

CERTIFIED that I have this day the [*here specify the date*] received possession at the hands of [*here mention the name and status of the officer taking over possession*] of..... acre of land situated in village.....pargana....., district ....., which has been acquired under declaration No....., dated the....., published at page.....of the *Calcutta Gazette* of the ....., for the purpose of.....

Name.

Designation.

FORM 22.

[*See* paragraph 121.]

Final report of the proceedings taken for the acquisition of the land acquired for in the district of

Serial No. of cases.	Area covered by each case in acres and decimals.	Account of any preliminary investigation under section 4, and of any award made by the Collector on reference under section 5 of the Act.	No. and date of the declaration, and page and date of the Gazette in which published, and the area declared for in acres and decimals.	Dates of issue and service of general and special notices under section 9.	Date fixed for enquiry under section 11 and, if any postponement have been allowed, the date of final enquiry and award.	Date of reference under section 18 or section 30.	Date on and section of the Act under which possession of the land is taken. If under section 17, number and date of Government orders authorizing possession under that section.	Date of decision of the Court under section 26, or section 30, and explanation of the difference, if any, between the Collector's award and the award of the Court.	Date of decision of any appeal under section 54 from the decision of the Court.	Apportionment of compensation.	Payment under Part V of the Act.	Account of any proceeding under Part VI of the Act.	Remarks.
1	2	3	4	5	6	7	8	9	10	11	12	13	14

INSTRUCTION.—It should be stated what use has been made of the settlement records (if any) and Road Cess papers (where possible).

Dated 19 *Collector.*

FORM 23.

[*See* paragraph 121.]

Statement showing the area and the expenditure incurred in the acquisition of the land required for in the district of

No. of mile or plan.	No. and date of Government orders sanctioning acquisition of land.	Names of mauzas.	Area of land acquired in acres and decimals.			Amount of Government revenue abated, and date from which the abatement takes effect.			Capitalised value of Government revenue paid to Government.			Compensation for land including trees, houses, etc.			Additional compensation under section 23(2) of the Act on the amount shown in column 9.			Amount of damages and expenses of removal, if any, allowed.			Total of columns 8 to 11.		
			Free of cost.	On payment of compensation.	Total.																		
1	2	3	4	5	6	7			8			9			10			11			12		
						Rs.	a.	p.	Rs.	a.	p.	Rs.	a.	p.	Rs.	a.	p.	Rs.	a.	p.	Rs.	a.	p.

FORM 23—*concld.*

[*See* paragraph 121.]

Statement showing the area and the expenditure incurred in the acquisition of the land required for in the district of

Amount of interest, if any, paid.			Costs decreed against Government.			Lands temporarily occupied under section 35 of the Act.					Other expenses, *i.e.*, establishment charges, etc.			Total expenditure incurred in taking up the land, *i.e.*, total of columns 12 to 14, 17 and 18.			From whom funds were obtained, and if from the Treasury, the fund or particular item of the budget against which the expenditure has been charged.	Explanation of difference between the amounts sanctioned and the total expenditure shown in column 19, when it exceeds 20 per cent.	Remarks.
						Number and date of Government orders.	Area.	Amount paid.											
13			14			15	16	17			18			19			20	21	22
Rs.	a.	p.	Rs.	a.	p.		Acres and decimals.	Rs.	a.	p.	Rs.	a.	p.	Rs.	a.	p.			

CERTIFIED that the prices awarded are not in excess of those for which similar lands are actually sold in the same parts of the district.

Collector.

or

CERTIFIED that the prices awarded are not greater than those which similar lands in the same part of the district might be reasonably expected to command.

Collector.

INSTRUCTIONS—

(1) Columns 1 and 3 should be filled up only in cases of lands acquired for railways.
(2) In the case of all except railway projects, the total area acquired should be shown in columns 4 to 6 and 16, the total amount of Government revenue abated in column 7; and the total expenditure incurred under the several headings of columns 8 to 14 and 17 to 19, in those columns. In railway cases, the area acquired in each mauza in each mile should be given in columns 4 to 6 and 16, and the total of each mile struck; the amount of revenue abated on each mile should be shown in column 7; and the total expenditure on each mile under the several headings of columns 8 to 14 and 17, in those columns. The total for each project should be given in columns 18 and 19.
(3) A separate statement should be submitted for each class of land acquired for a railway.
(4) Form 25 should accompany this statement only in railway cases, when necessary.

Dated 19

Collector.

FORM 24.

[*See* paragraph 123.]

Form of Final Report for cases of the Calcutta Improvement Trust.

The number and date of the notification under which each scheme is being dealt with.	Number of cases and sanctioned estimate.	Awards made.*	Total amount deposited by the Improvement Trust and payments made.	Number of references made to the Tribunal.	Number of decisions by the Tribunal.	Excess in awards by the Tribunal over original awards.	The actual area acquired in acres and decimals and the expenditure on each scheme.
1	2	3	4	5	6	7	8

*The amount awarded as costs and damages should be distinguished from the amounts awarded as market value of the properties.

FORM 25.

[*See* paragraph 121.]

Statement of land acquired for but subsequently transferred or disposed of previous to the submission of the Final Report (Form 22) and Form 23.

No. of mile or plan.	No. and date of Government orders sanctioning transfer or disposal of the land.	Names of mauzas.	Transferred from one class to another or to any other department.				Date of transfer or disposal	Disposal of land.								Remarks.
			Area in acres and decimals.	From class.	To class or department.	Compensation paid [col. 12 of Form 23].		By sale.			By lease.			By return to donors.		
								Area in acres and decimals.	Proceeds.		Area in acres and decimals.	Annual rent.		Area in acres and decimals.		
1	2	3	4	5	6	7	8	9	10		11	12		13		14
						Rs. a. p.			Rs. a. p.			Rs. a. p.				

INSTRUCTION.—This statement should accompany Form 23 only in railway cases, when necessary.

Dated 19 *Collector.*

FORM 26.

[*See* paragraph 143.]

Lotbundi Register for the sale of class lands of the Railway in the district of

No. of lot.	Pargana and mauza.	No. of mile.	Situated on which side of the railway.	Area in acres and decimals.	Boundary of lot.	Date of sale.	Amount of highest bid.			Amount of revenue assessed, if any.			Name and address of purchaser.	Signature of purchaser.	Amount paid at the time of sale.			Amount paid within 15 days after sale.			Total amount.			Remarks
1	2	3	4	5	6	7	8			9			10	11	12			13			14			15
							Rs.	a.	p.	Rs.	a.	p.			Rs.	a.	p.	Rs.	a.	p.	Rs.	a.	p.	

FORM 27.

[*See* paragraph 145.]

Advertisement of Sale.

NOTICE is hereby given that the undermentioned plots of land, no longer required by Government situated along the.....Railway, in the district of.....will be put up to sale at.....o'clock on....., the.....19..., corresponding with the .....Fusli at.....

The purchasers of the several plots of land will be subject to the following condition:—

1st.—The purchasers will have no power to make any excavations on the land nearer than fifteen feet from the railway boundary or to plough the land nearer than three feet from the same.

2nd.—If the amount of purchase-money does not exceed Rs. 100, the whole amount must be paid down at once.

3rd.—If the amount of purchase-money exceeds Rs. 100, one-fourth of the amount must be immediately deposited. If the balance be not paid by noon of the fifteenth day after the sale, reckoning the day of sale as one, or if that day be a closed holiday, then by noon of the first succeeding office day the sale shall be cancelled, the sum deposited being forfeited to Government and the lot again put up for sale at the risk of the defaulting purchaser, after issue of advertisement, as in the case of original sale.

4th.—The plots of land will be sold to the highest bidders revenue-free (or subject to an annual assessment of Rs.....for ten years. Subsequent settlements will be made in accordance with the rules contained in the Government Estates Manual).

5th.—The sale will become final on receipt by the Collector of the orders of the Government in the Department of Land and Land Revenue, confirming it, and a regular conveyance will be granted to the purchaser.

Consecutive lot number.	Name of district.	Pargana and mauza.	Number of mile on which land is situate.	Situated on which side of the railway.	Approximate area of lot in acres and decimals.	Land excluded from sale from each lot.		Commencement and termination of lot.	Boundary of lot.
						Reasons for exclusion.	Acres and decimals.		
1	2	3	4	5	6	7		8	9

The 19 . *Collector.*

FORM 28.

[*See* paragraph 148.]

Statement of the lots sold and of the sale-proceeds of class lands on the Railway, in the district of during the quarter ending 19

No. of mile.	Name of mauza.	No. of lot.	Area of lot in acres and decimals.	On which side of the railway line the lot is situated.	Prices according to average acreage rate at which acquired.	Date of sale.	Price at which sold.			Amount of revenue assessed, if any.			Remarks.
1	2	3	4	5	6	7	8			9			10
							Rs.	a.	p.	Rs.	a.	p.	

INSTRUCTION.—When all the lands relinquished by a railway have been disposed of, a note should be made by the Collector in the column of "Remarks" of the last statement that no more lands remain to be sold.

Dated 19 *Collector.*

FORM 29.

[*See* paragraph 150.]

THIS INDENTURE made this day of One thousand nine hundred and BETWEEN THE PRESIDENT OF THE UNION OF INDIA (hereinafter called the Vendor) of the one Part and son of residing at by caste by occupation (hereinafter called the "Purchaser" which expression shall unless excluded by or repugnant to the context include his heirs, executors, administrators and assigns) of the other Part WHEREAS the piece or parcel of land described in the Schedule hereto (and* delineated on the map or plan hereto annexed and thereon coloured red was acquired under the provisions of the Land Acquisition Act under Government Declaration No. dated the day of One thousand nine hundred and for the purposes of the Railway (hereinafter called "the Railway") AND WHEREAS the said piece or parcel of land is by virtue of the Constitution of India, and the Adaptation of Laws Order, 1950, made under article 372(*2*) of the said Constitution vested in the Vendor on behalf of the Railway AND WHEREAS on the day of possession of the said piece or parcel of land was made over to the Railway AND WHEREAS the said piece or parcel of land is no longer required by the Railway for its purposes AND WHEREAS at the request of the Railway the Vendor has agreed to sell the said piece or parcel of land to the purchaser at the price and upon the terms and conditions hereinafter appearing NOW THIS INDENTURE WITNESSETH that in pursuance of the said agreement and in consideration of the sum of Rs. on or before the execution of these presents paid by the Purchaser to the Vendor (the receipt whereof the Vendor doth hereby admit and acknowledge) the Vendor doth hereby grant convey transfer assign and assure unto the Purchaser all that piece and parcel of land hereinafter more particularly described in the Schedule hereto together with all the appurtenances thereunto belonging but except and Reserving unto the Vendor all mines and minerals in and under the said land TO HOLD the same unto the Purchaser for ever free from encumbrances but according to the nature and tenure thereof and subject to the payment of all revenues, cesses, taxes rates assessments duties and outgoings whatsoever now or hereafter to become payable in respect thereof PROVIDED† ALWAYS that the Purchaser shall have no power to make any excavations on the said piece and parcel of land nearer than 15′ feet from the boundary of the Railway or to plough the land nearer than 3′ feet from the same AND PROVIDED FURTHER, that the grant hereby made shall operate as a Crown Grant under the Crown Grants Act XV of 1895 AND THAT all the provisions restrictions conditions and limitations herein contained shall be valid and take effect according to their tenor any rules of law, statute, enactment of the Legislature to the contrary notwithstanding.

---

*The words "and delineated on the map or plan hereto annexed and thereon coloured red" may be omitted in the case of lands, other than Railway lands, for which no plan exists.

†This proviso is to be inserted only in the case of sale of Railway surplus lands.

IN WITNESS whereof these presents have been executed on behalf of the President of the Union of India the day and year first above written.

Signed, sealed and delivered by the of the Railway at acting in the premises for and on behalf of the President of the Union of India in the presence of

(1)——————————————

(2)——————————————

Schedule of land conveyed.

Name of district.	Pargana and mauza.	Lot number.	Cadastral survey plot number or numbers.	Approximate area of lot in acres and decimals.	Mile and chainage	On which side of the railway, road, canal, or embankment situated.	Boundary of lot.
1	2	3	4	5	6	7	8

The *19* *Collector.*

FORM 30.

[*See* paragraph 151.]

——————————RAILWAY.

Schedule of land taken up for the use of the——————————
Railways in—

District——————————

Pargana——————————

Mauza——————————

No. of mile plan.	Purpose for which required.	"Permanent" coloured Pink.	"Temporary" coloured Yellow.
		Occupation, permanent.	Occupation, temporary.
		Land for the regular works of the railway, including land for high roads, rivers, etc.	Land for excavation, spoil for contingencies of construction, for dwelling-houses, etc., etc.
		Acres and decimals.	Acres and decimals.
1	2	3	4
	Total		

General Manager,
.....*Rly.*

Assistant Secy. to the Govt. of West Bengal, W. & B Dept.

Assistant Secy. to the Govt. of West Bengal, Land and Land Revenue Dept.

FORM 31.

[*See* paragraph 151.]

Register of lands in the occupation of the Railway in the district of

| No. of mile. | Purpose. | No. and date of Government sanction. | "Permanent", in permanent occupation of the Railway. | | | | | | | | | "Temporary", acquired permanently, but in temporary occupation of the Railway. | | | | | | | | | "Temporary", released by the Railway Authorities. | | | | | | | | |

FORM 32.

[*See* paragraph 151.]

.....Railway.

Schedule of land taken for the use of the.....*in*

District.....

Pargana.....

Mauza.....

No. of plan.	Purpose for which required.	Class A. Coloured pink.	Class B. Coloured yellow.	Class D. Coloured green.	Class C. Coloured purple.
		Occupation by Railway Company, permanent.	Occupation by Railway Company, temporary.	Occupation by Government, permanent, not coming into possession of Railway Company.	Occupation by Railway Company, either permanent or temporary.
		Provided at cost of Government.			Provided at cost of Railway Company.
		Acres and decimals.	Acres and decimals.	Acres and decimals.	Acres and decimals.
1	2	3	4	5	6
	Total ..				

General Manager or Chief Engineer.

Assistant Secy. to the Govt. of West Bengal, Ry. Dept.

Assistant Secy. to the Govt. of West Bengal, L. and L. Rev. Dept.

FORM 33.

[*See* paragraph 151.]

Register of lands in the occupation of the Railway Company in the district of

1	2	3	Payable by Government.																					5 Payable by the Railway Company.									6 Class B, released by the Railway Company.								
			Class A, in permanent occupation of the Railway Company.							Class B, in temporary occupation of the Railway Company.						Class D, occupied by Government, permanent.						Class C, in the occupation of the Railway Company, permanent or temporary.										Released lands how disposed of.							
																																		By transfer to any other department.							
No. of mile.	Purpose.	No. and date of Government sanction.	Area in acres and decimals.	Amount of compensation.			Abatement of revenue.			Area in acres and decimals.	Amount of compensation.			Abatement of revenue.			Area in acres and decimals.	Amount of compensation.			Abatement of revenue.				Area in acres and decimals.	Amount of compensation.			Abatement of revenue.				Yearly rent payable by the Railway Company.				Area released in acres and decimals.	Area in acres and decimals.	Amount of compensation.			Abatement of revenue.		
				Rs.	a.	p.	Rs.	a.	p.		Rs.	a.	p.	Rs.	a.	p.		Rs.	a.	p.	Rs.	a.	p.		Rs.	a.	p.	Rs.	a.	p.	Rs.	a.	p.		Rs.	a.	p.	Rs.	a.	p.			Rs.	a.	p.	Rs.	a.	p.

FORM 33—*concld.*

[*See* paragraph 151.]

Register of lands in the occupation of the Railway Company in the district of

Class B, released by the Railway Company—*concld.*							Class C, released by the Railway Company.										Remarks.
Released lands how disposed of—*concld.*					Area remaining undisposed of, in acres and decimals.	Area released in acres and decimals.	Released lands how disposed of									Area remaining undisposed of, in acres and decimals.	
By return to donors.	By sale.		By lease.				By transfer to any other department.			By return to donors.	By sale.		By lease.				
Area in acres and decimals.	Area in acres and decimals.	Sale proceeds.	Area in acres and decimals.	Annual rent.			Area in acres and decimals.	Amount of compensation.	Abatement of revenue.	Area in acres and decimals.	Area in acres and decimals.	Sale proceeds.	Area in acres and decimals.	Annual rent.			
		Rs. a. p.		Rs. a. p.				Rs. a. p.	Rs. a. p.			Rs. a. p.		Rs. a. p.			

The 19 *Assistant Secy. to the Govt. of West Bengal, L. and L. Revenue Department.*

FORM 34.

[*See* paragraph 159.]

Form of Ledger Account of each project.

Acquisition of the land required by.....for.....
vide Declaration No....., dated the.....19....., published at page....., Part I of the *Calcutta Gazette* of the.....19....., and Government Order No....., dated the.....19.....

Sanctioned Estimate .. Rs. a. p.

Allotment of fund by Government .. Rs. a. p.
Vide Government Order No. , dated the 19
" " " No. , dated the 19
Or
Deposit in the Treasury by local authority .. *Vide* letter No. , dated the 19
" " No. , dated the 19
etc., etc.

Details of vouchers on which withdrawals are made from Treasury.			Amount of voucher when received by Land Acquisition Officer as an advance.			Payment made in cash by Land Acquisition Officer against advances shown in column 4.					Payments made on order in Form C issued to persons interested, or to Civil Court, or to Treasury Officer for transfer to Revenue deposit.					Remarks.
Year.	Month and date.	Accountant's number and other particulars.				Number in cheque book form C or in form CC.	Date.	Amount.			Number in cheque book form C.	Date.	Amount.			
1	2	3	4			5	6	7			8	9	10			11
			Rs.	a.	p.			Rs.	a.	p.			Rs.	a.	p.	

Footnote.—The register should be balanced at intervals and be compared in the case of each project with the Accountant's register of payments.

FORM 35.

[*See* paragraph 181.]

RETURN XVIII.

Progress in taking up lands for public purposes in the district of during the month of/quarter ending

INSTRUCTIONS.—Fractions of miles, acres, and rupees should be omitted, any amount in excess of 880 yards, ·5 acre, and 8 annas, respectively, being shown as an additional whole number. In cases, however, in which the total area to be acquired is less than an acre the exact area should be shown in decimals of an acre.

General progress in the work.										
Name of work and Serial No.	Number and date of declaration	Estimated total cost of acquisition including the capitalized* value of revenue to be paid.	Length of work in miles.	Approximate area of the land to be acquired as declared for.	Progress in measurement.		Progress in actual acquisition, *i.e.*, in making awards under section 11.		Progress in payment of compensation, including capitalized value of revenue paid.	
					Area measured this month quarter.	Total up to the end of the month/quarter.	Area acquired this month/quarter.	Total area up to the end of the month/quarter.	Amount paid under section 31 (*1*) or deposited in the Treasury or in the Court under section 31 (*2*) during the month/quarter.	Total up to the end of the month/quarter.
1	2	3	4	5	6	7	8	9	10	11
		Rs.	Miles.	Acres.	Acres.	Acres.	Acres.	Acres.	Rs.	Rs.

*Realized under paragraph 172 of the Executive Instructions.

FORM 35—*concld.*

[*See* paragraph 181.]

RETURN XVIII.

Progress in taking up lands for public purposes in the district of during the month of/quarter ending

	Progress in the cases comprised in the work.									
	Progress by Land Acquisition Officer.		Progress in Civil Court.				Progress in the preparation of Final Reports.			
Total number of cases to be enquired into so far as can be estimated.	Number in which awards were made during the month/quarter.	Total up to the end of the month/quarter.	Number of references during the month/quarter under sections 18 and 30.	Total up to the end of the month/quarter.	Number disposed of during the month/quarter.	Total disposed of up to the end of the month/quarter.	Number of cases in which prepared during the month/quarter.	Total up to the end of the month/quarter.	Number of cases in which remaining to be prepared (column 12, *minus* column 20).	Remarks.
12	13	14	15	16	17	18	19	20	21	22
No.	No.	No.	No.	No.	No.	No.	No.	No.	No.	Number of cases in which Form 23 has been prepared during the month/quarter. *Note.*—When little or no work is done, an explanation should invariably be given.

Land Acquisition Officers should submit their monthly and quarterly returns to the Collector not later than the 4th of the month succeeding the month or quarter to which they relate. The return should reach the Commissioner not later than the 10th of the month. In submitting the return the Collector should invariably note in the column of remarks whether the work is progressing at such a rate as to offer a fair prospect of its completion within the time originally estimated.

If the final report in connection with the proceedings in any case has been submitted by Collector to the Commissioner, a note to that effect should be made against the project concerned in the column of remarks. When the proceedings have been confirmed, the project should be struck out of the return.

(REVERSE OF FORM 35.)

NOTE.—The following detail should be given only when a special establishment is employed—

DETAILS OF PAYMENT.

Rs. a. p.

(1) Amount paid as compensation in any form or deposited in the Treasury or in the Court up to the end of the month .. ..

(*Total of column 11 of the Return.*)

(2) Amount spent on establishment up to the close of the previous month

(*Total of headings 2 and 3 of the previous Return.*)

(3) Expenditure incurred during the period embraced by the present report on account of—

(*a*) Salary of Deputy Collector .. ..

(*b*) Salary of establishment .. ..

(*c*) Travelling allowance of Deputy Collector and his establishment .. ..

(*d*) Contingencies .. ..

Total expenditure during the month .. ..

Grand total up to the end of the month .. ..

Collector.

FORM 36.

[*See* paragraph 181.]

RETURN XVIII (*a*).

Progress made in the temporary occupation of land, under section 35 of the Act, for public purposes, in the district of during the month of/quarter ending

INSTRUCTIONS—Fractions of acres and rupees should be omitted, any amount in excess of ·5 acre and 8 annas respectively being shown as an additional number. In cases, however, in which the total area to be acquired is less than an acre, the exact area should be shown in decimals of an acre.

General progress.

Name of work and serial number.	No. and date of order to occupy land.	Approximate area of the land to be occupied in acres and decimals.	Progress in measurement.		Progress in actual occupation.		Progress in payment of compensation.					
			Area measured this month/quarter in acres.	Total area up to the end of the month/ quarter in acres.	Area occupied this month/ quarter in acres.	Total area up to the end of the month/quarter.	This month/quarter.			Total up to the end of the month/quarter.		
1	2	3	4	5	6	7	8			9		
							Rs.	a.	p.	Rs.	a.	p.

NOTE 1.—Land Acquisition Officers should submit their monthly and quarterly returns to the Collector not later than the 4th of the month succeeding the month or quarter to which they relate and the returns should reach the Commissioner not later than the 10th of that month. In submitting the returns the Collector should invariably note in the column of remarks whether the work is progressing at such a rate as to offer a fair prospect of its completion within the time originally estimated.

NOTE 2.—If the first report in connection with the proceedings in any case has been submitted by the Collector to the Commissioner, a note to that effect should be made against the project concerned in the column of remarks. When the second report has been submitted to Government, the project should be struck out of the return.

FORM 36—*concld.*

[*See* paragraph 181.]

RETURN XVIII (*a*).

Progress made in the temporary occupation of land, under section 35 of the Act, for public purposes in the district of during the month of quarter ending

Progress in the cases comprised in the work.										Progress in the restoration of the land.		
Progress by Land Acquisition Officer.					Progress in Civil Court.		Progress in the preparation of Final Report.			Area restored in acres.		
	Number disposed of this month/quarter.		Total up to the end of the month/quarter.									
Total number of cases to be enquired into so far as can be ascertained.	By Collector.	By reference to Civil Court.	By Collector.	By reference to Civil Court.	Number of references decided this month/quarter.	Total up to the end of the month/quarter.	Number of cases in which prepared this month/quarter.	Total up to the end of the month/quarter.	Number of cases in which remaining to be prepared (column 10, *minus* column 18).	This month/quarter.	Total up to the end of the month/quarter.	Remarks.
10	11	12	13	14	15	16	17	18	19	20	21	22

The 19 *Collector.*

FORM 37

[*See* paragraph 181.]

RETURN No. XVIII(*b*).

Annual Statement showing the progress made by Gazetted Officers solely employed on land acquisition work in the district of.....

.....during the year.....

Name of Special Land Acquisition Officer and period during which he was so employed.	Name of project and serial No. of the case (as entered in Register 5).	Date of commencement of the proceeding (counting from first institution in Register 4).	Declaration under section 6.		Government order under section 7.		Amount of sanctioned estimate.	Local measurement and verification under section 8.		
			No. and date.	Area under acquisition as declared for.	No. and date.	Date of receipt.		Area completed previously.	Area completed during the year.	Total.
1	2	3	4(*a*)	4(*b*)	5(*a*)	5(*b*)	6	7(*a*)	7(*b*)	7(*c*)

Award under section 11.			Payment and deposit under part V.			Reference under sections 18 and 30.		Preparation of Final Report (Chapter XIII of the Executive Instructions).	
Area completed previously.	Area completed during the year.	Total.	Amount paid and deposited previously.	Amount paid and deposited during the year.	Total.	Number.	Number disposed of during the year.	Number of cases in which due.	Number of cases in which prepared.
8(*a*)	8(*b*)	8(*c*)	9(*a*)	9(*b*)	9(*c*)	10(*a*)	10(*b*)	11(*a*)	11(*b*)

(Reverse of Form 37.)

Abstract of total progress.

Land Acquisition Case work.				Civil Court References.			
Number of cases entered in Register 5 during the year. 1(*a*)	Total number of such cases up to the end of the year (including previous pending cases). 1(*b*)	Number of cases completed in award during the year. 1(*c*)	Total number of cases completed in award up to the end of the year (including previous awards). 1(*d*)	Number made during the year. 2(*a*)	Total number up to the end of the year (including previous references). 2(*b*)	Number disposed of during the year. 2(*c*)	Total number disposed of up to the end of the year. 2(*d*)

Preparation of Final Report.				Remarks of the District Collector on the porgress made.
Number of cases in which due during the year. 3(*a*)	Total number of cases in which due up to the end of the year. 3(*b*)	Number of cases in which prepared during the year. 3(*c*)	Total number of cases in which prepared up to the end of the year. 3(*d*)	

NOTE.—(1) Fractions of miles, acres and rupees should be omitted, any amount in excess of 880 yeards, ·5 acre and 8 annas, respectively, being shown as an additional whole number. In cases, however, in which the total area to be acquired is less than an acre, the areas should be shown in decimals of an acre.

(2) Columns 11(*a*) and 11(*b*) will be filled in, where necessary, by the entry of the number "1" against the case concerned.

(3) As the work in any particular project or part of a project may be of a specially troublesome nature, District Offiecrs should notice any special difficulties, which the Land Acquisition Officer had to deal with, in an explanation sheet attached to the statement, in order that the Commissioner may arrive at an approximately correct estimate of each officer's work and record his opinion whether the progress made was good or not.

(4) The statement should be submitted by the Collector to the Commissioner on the 1st June.

Dated the.....19.... *Special Land Acquisition Officer.* *District Collector.*

[*N.B.*—This revised form was introduced in Government order No. 8103(2) L.A., dated the 24th July, 1950.]

FORM 38.

[*See* paragraph 182.]

Progress statement for the quarter ending 19 , for cases of the Calcutta Improvement Trust Scheme.

Awards.			Credits.	Cheques issued.		References to Tribunal.	Awards by Tribunal.		
Case No.	Estimate.	Award.		No.	Amount.	Case No.	Case No.	Amounts.	Excess over Collector's Award.

FORM No. 39.

[*See* paragraph 182.]

Annual progress statement for the year of cases of the Calcutta Improvement Trust.

1	2	3		4		5	6	7	
Name of scheme and date of declaration.	Area declared for acquisition.	Number of cases instituted.		Number of cases disposed of.*		Number of cases pending at the end of the year.	Estimate of cost for the scheme.	Award made.	
		During the year.	Total up to the end of the year (including those of previous years).	During the year.	Total up to the end of the year (including those of previous years).			During the year.	Total up to the end of the year (including those made in previous years).
	Acres.						Rs.	Rs.	Rs.

8		9		10		11	12		13
Payment made.		Number of references made.		Number of references disposed of.		Number of references pending at the end of the year.	Enhancement made by the Tribunal over the original awards.		Remark.
During the year.	Total up to the end of the year (including those made in previous years).	During the year.	Total up to the end of the year (including those made in previous years).	During the year.	Total up to the end of the year (including those made in previous years).		During the year.	Total up to the end of the year (including those made in previous years).	
Rs.	Rs.								

*Including cases abandoned under section 78 of the Calcutta Improvement Trust Act, and withdrawn under section 48 (*1*) of the Land Acquisition Act (as shown in column 4 of Form No. 39).

FORM 40.

[*See* paragraph 165 *(4)*.]

Monthly Apportionments Statement.

STATEMENT I.

DISTRICT.....

Statement of the cost of the Land Acquisition Establishment and contingencies, etc., for the month of.....

Heads.	1. Direct charges.		2. Indirect charges				Cost of stationery and forms.	Total.	Remarks.
			Leave contribution.		Pension contribution.				
	(a) Ordinary charges.	(b) Special charges.	(1) Ordinary establishment.	(2) Special establishment.	(1) Ordinary establishment.	(2) Special establishment.			
Pay of officers									
Pay of permanent establishment									
Pay of temporary establishment ..									
Allowances and honoraria									
Contingencies									
Total ..									
Deduct leave salary paid during the month ..									
Deduct charges to be borne by Government ..									
Total deduction ..									
Net Total									
Add or *deduct* on account of re-adjustment as per Accountant-General, West Bengal's letter No.									
Net total charges apportioned for recovery in Statement II									

STATEMENT IA.

Details of the items included in Statement I.

Heads.	Vouchers.		Amount.			Names of persons on whose account recoveries will be made.	Rates of recovery.	Remarks.
	No.	Date.						
1	2		3			4	5	6
			Rs.	a.	p.			
1. Pay of officers								
2. Pay of permanent establishment ..								
3. Pay of temporary establishment ..								
4. Allowances and honoraria ..								
5. Contingencies (including stationery and forms)								
6. Leave contribution								
7. Pension contribution								

N. B.—Columns 4 and 5 are intended for items 6 and 7 only.

CERTIFIED (a) that the contributions for leave and pension in respect of all the officers for whom they are leviable have been shown in this statement.

Collector.

Special Land Acquisition Officer.

STATEMENT II.

DISTRICT.....

Statement showing the apportionment of the cost and recoveries of Land Acquisition Establishment for the month of.....

Serial No.	Name of project.	Requiring body.	Cost apportioned for the month (a).				Total charges up to the end of the month.	Recoveries.				Outstanding at the end of the month.		Remarks.
			Direct charges.	Indirect charges.		Total charges.		Made up to the previous month.		Made during the month.				
			Pay, special pay, allowances of Land Acquisition Officer and his staff both permanent and temporary and contingencies including cost of forms and stationery.	(i) Leave contribution.	(ii) Pension contribution.			Establishment charges including leave contribution, forms, stationery and contingencies.	Pension contribution.	Establishment, etc.	Pension contribution.	Establishment, etc.	Pension contribution.	
1	2	3	4				5	6				7		
			Rs.	Rs.	Rs.	Rs.	Rs.	Rs. a. p.	Rs. a. p.	Rs. a. p.	Rs. a. p.	Rs. a. p.	Rs. a. p.	

N. B.—(a) This apportionment, if inconvenient, need not be shown separately against each project but may be shown against a group of projects of each requiring body.

Certified that only special charges have been apportioned in the case of Railways and other Central Department.

Collector.

Appendices I to XII.

Instructions by the Government of India, by the Railway Board and by the Government of Bengal.

CONTENTS OF APPENDICES.

PAGE.

I. } Deleted.
II. }
III. }
IV. }

V. Circular No. 10, dated the 12th June, 1913, of Government of India, Department of Revenue and Agriculture, relating to control over officers making awards 199

VI. Deleted.

VII. Circular No. 6 P.W., dated the 20th August, 1913, of Government of India, Public Works Department, relating to preparation of land acquisition estimates in connection with projects 199

VIII. Deleted.

IX. Circular No. 3B., dated the 21st April, 1917, of Government of Bengal, Public Works Department, relating to the selection of sites for public buildings 200

X. No. 120W—19, dated Simla, the 16th June 1919, from the Secretary, Railway Board, to the Agent, North-Western Railway relating to delegation of powers to the State railways to grant lease or license for temporary use railway lands and buildings to outsiders 201

XI. Government of India, Railway Department (Railway Board), No. 456 F.-17, dated Simla, the 4th August, 1919 relating to the adjustment of rents accruing from leasing of railway lands made over to the revenue authorities. 201

XII. Deleted.

APPENDIX V.

Circular No. 10, dated Simla, the 12th June 1913.

From—The Hon'ble Mr. J. H. Kerr, C.I.E., I.C.S., Officiating Secretary to the Government of India, Department of Revenue and Agriculture,

To—All Local Governments and Administrations (except Bombay).

I am directed to refer to this Department's Circular No. 9-292-1, dated the 28th June 1906, in which instructions were issued as to the procedure to be followed in the award of compensation for land acquired under the Land Acquisition Act.

2. The Government of India have recently had under their consideration a case which indicates that some misapprehension appears to exist as to the intention of the instructions contained in paragraphs 3 and 4 (*3*) of that circular. It was pointed out in paragraph 3 that it followed from the decision of the Judicial Committee of the Privy Council in the suit of Ezra *versus* the Secretary of State that as a Collector in making an enquiry and award under the Act, is merely the departmental agent of the Government, it is open to the Local Government to issue instructions as to the information he is to take into account in making his valuation and as to the course to be taken by him when he finds, as a result of his enquiry, that the amount of the compensation, which, in his opinion, should be allowed for the property, largely exceeds the estimates on which the acquisition was sanctioned. In paragraph 4(*3*) it was further suggested that if the officer making the award is not the Collector of the district he might be required, before making the award, to refer to the Collector any case in which he proposes to award more than 10 per cent. in excess of the original estimate, or more than Rs. 10,000 or some similar limit, also that Collector of the district should have the power of requiring all cases to be referred to him before the award is given, and that the acquiring officer should make his award according to the instructions received from the Collector. In making this latter suggestion, which had been approved by the Calcutta High Court as a most wholesome provision, the Government of India did not intend that the Collector of the district or some higher authority should settle the sum to be awarded and direct the Land Acquisition Officer to make the award accordingly. While it is open to the Local Government to cause the proceedings of the officer framing the award under section 11 of the Land Acquisition Act to be laid before a superior authority before the award is actually made, and while it is open to that superior authority to give the Land Acquisition Officer any information which it may have as to the proper valuation of the land, or instructions as to the information which the Land Acquisition Officer is to take into account in framing his award, the superior authority is not competent to direct the Land Acquisition Officer to award any particular amount as compensation. Such action would virtually result in the award being made by some authority other than the officer holding inquiry under section 11 of the Act. When the Land Acquisition Officer, after considering all the information placed at his disposal, either in the course of the proceedings under section 11, or extra-judicially by Government or other authority superior to him, has finally decided the amount of the award to be made, the only alternatives open to Government are either to withdraw from the acquisition proceedings, or to allow them to proceed on the basis of the Land Acquisition Officer's award.

3. I am to suggest that, if necessary, such rules as the Local Government may have issued on the subject should be amended so as to bring out clearly the intention of the instructions issued in the Circular of 1906 as regards the control to be exercised over the proceedings of officers making awards under section 11 of the Land Acquisition Act.

APPENDIX VII.

No. 6P.W., dated Simla, the 20th August 1913.

From—The Assistant Secretary to the Government of India, Public Works Department,

To—All Local Governments and Administrations.

Acquisition of Land—Procedure for the preparation of estimate for the—in connection with projects.

I am directed to inform you that in future, in order to expedite the acquisition of land for Government purposes, a separate estimate for the acquisition of land required for a project may, after the project has been administratively sanctioned, be sanctioned by competent authority. The estimated or actual cost of the land should subsequently be incorporated in the final project estimate.

APPENDIX IX.

Government of Bengal, Public Works Department, Circular Memo. No. 3B., dated the 21st April 1917.

Selection of sites for public buildings.

In Public Works Department Code, Volume I, Chapter VII, paragraph 683, it is laid down that "the site of every building should, if possible, be definitely settled before the detailed designs and estimates are prepared". It has been found that the rough estimates of the cost of projects are liable to material modifications when sites are finally settled, if they are not decided on prior to the preparation of the rough project and that inconvenience is caused thereby. Accordingly it is now ordered that an Executive Engineer shall, unless instructed to the contrary, take steps to have a site selected in the manner described below before the project for a work is submitted for administrative approval. In all other cases the site must be selected by the committee before the detailed designs and estimates are prepared.

2. The selection of sites for civil buildings shall ordinarily be made by a committee composed of—

The District Officer	*President.*
The Civil Surgeon The Executive Engineer ... ... An officer representing the department concerned ...	*Members.*

In outlying stations officers may, on their own responsibility, delegate their subordinates to represent them on the committee.

This committee will be assembled by the District Officer at the request of the Executive Engineer.

3. The Executive Engineer will advise the committee on the points noticed in the Public Works Department Code, Volume I, Chapter VII, paragraph 684.

He will prepare a plan of the site selected, embodying such information on the above points as may be necessary in each case, *e.g.*, if the site is on land liable to be flooded, the highest flood level should be shown with reference to the general level of the site. He will forward this plan, with the proceedings of the committee, after both have been countersigned by the members, to the Superintending Engineer of the circle.

4. If the officers composing the comittee are unable to agree as to the site proposed, the case should be decided by the Commissioner of the Division. A note of any objections made should be attached to the proceedings of the committee. After deciding the case so referred, the Commissioner will communicate his decision and send the plan of the site approved by him to the Superintending Engineer, and at the same time he will communicate his decision to the President of the Site Committee.

5. The Superintending Engineer will, if he approves of the site and arrangement of the buildings, countersign the plan and forward it with the proceedings to the head of the department concerned for countersignature and transmission to the Commissioner of the Division for his sanction and countersignature and return to the Executive Engineer. If he does not approve of the site of arrangement of the buildings, the Superintending Engineer will discuss the matter with the President of the Site Committee, and, if unable to agree, will forward the plan to the head of the department concerned with his opinion.

6. In cases where the views of the head of the department differ from those of the local authorities, the matter should be referred for the decision of Government.

7. In the case of important buildings, the Governor in Council desires that heads of departments will, before countersigning the plan, send it to the Sanitary Commissioner for opinion.

8. Two plans are required. In addition to the block plan prescribed in Public Works Department Code, Volume I, Chapter VII, paragraph 690, which shows the position of the subsidiary buildings with reference to the main building on the site selected, a small scale plan is required showing the position of the site with reference to its surroundings on north, south, east and west.

APPENDIX X.

No. 120W.—19, dated Simla, the 16th June 1919.

From—The Secretary, Railway Board,

To—The Agent, North-Western Railway.

In continuation of this office memorandum No. 120W.—19, dated the 22nd February 1919, I am directed to say that the Railway Board have now decided, in supersession of the orders laid down in paragraph 5 (*ii*) of their Circular No. 3222 R.G., dated the 26th November 1912, to delegate powers to Agents of State Railways to lease temporarily to outsiders railway lands and buildings or grant licenses for their temporary use for purposes not connected with the working of a railway in cases where such lands or buildings may be required for railway purposes in the near future or are so situated that it would be inconvenient to relinquish them, but the approval of the Local Government should invariably be obtained before such leases or licenses are granted.

2. As regards the leasing of lands for purposes of cultivation, however, I am to call your attention to the dangers of proprietary rights arising.

APPENDIX XI.

[Government of India, Railway Department (Railway Board), No. 456F.-17, dated Simla, the 4th August 1919.]

In the concluding portion of paragraph 4 of Government of India, Public Works Department, letter No. 1367R.C., dated the 19th August 1897, it was laid down that receipts from railway land made over to Revenue authorities for custody should be brought to account as land revenue in the case of railways who get land free of cost. This decision was embodied in the "Revised rules relating to the acquisition of land for railway purposes", *vide* Appendix I. As some of the Railway Administration represented that this decision affected their interests adversely, the question has been reconsidered in the light of the orders contained in Railway Board's resolution No. 412 F.-18, dated the 15th May 1919, and after a careful consideration of the question the Government of India have decided that rents accruing from the leasing of railway lands made over to the Revenue authorities, either for safe custody or which though relinquished outright are retained temporarily by the Revenue authorities, should be adjusted in accounts in the following manner, viz.:—

The net receipts from the railway lands leased (that is, the amount which remains after deducting from revenue the charges for collection, etc.) should be credited to—

(*i*) Head XXVIII "subsidized companies", when the cost of land is not debited to the capital account of the railway but is met by Government.

(*ii*) "Railway revenue" of the undertaking in the case of railways whose capital account is charged with the cost of land *including* capitalized value of the land revenue abated.

Exception—

"In the case of the Tirhoot Railway and of the Assam-Bengal Railway whose capital account though bearing the cost of land does not, for special reasons, include the capitalized value of land revenue abated, the net receipts should be credited to 'Land Revenue' in the Civil Department."

2. It will be seen that the decision is based on the principle that the provincial revenue having been credited at the time of acquisition of the land with the capitalized value of the abatement of land revenue, the railway account should equitably get the benefit of rents derived from the leasing of the lands; otherwise provincial revenue will benefit at the expense of the railways.

INDEX.

Subject.	Law.		Instructions.			Page.
	Section of Act.	Number of Rule.	Paragraph.	Appendix	Form.	
Abatement of—						
Government Revenue	..	1—5	85,86	..	19	33-34,84-85, 163
—to be considered when land is restored	..	..	146	..	..	103-104
—when chargeable to Company or local authority.	..	..	172	..	..	113-114
—payble by the Central Government in respect of aquisitions for the Railway and other Department of the Central Govt.	..	..	172A	..	..	114
—not to be recovered from private Educational Institutions when land is acquired for them partly at the public expense and partly at the expense of such institutions.	..	..	172B	..	..	114
Accounts—.						
Adjustment of—when Government land resumed for public purpose.	..	..	177	..	..	115
To be kept by Land Acquisition Officers	..	..	159	..	..	108
Acres and decimals—Area to be recorded in—.	..	..	35, 46	..	..	61, 64
Accounts Officers—To whom statements of awards are to be sent.	..	..	64	..	..	73
Additional—						
Compensation	23(2)	..	61, 62	..	..	10, 72-78
Table for calculating	..	..	..	..	14	154,156-157
Adjustment of—						
Accounts when land acquired for or relinquished by Railways.	..	..	149	..	..	105-106
Advances and payments	..	..	104	..	..	90-91
Charges incurred for acquisition ..	..	..	180	..	..	116
Accounts when Government land resumed for public purpose.	..	..	177	..	..	115-116
Charges for trees and houses on land made over to a Railway Company free of cost.	..	..	111	..	..	93-94
Cost of land acquired for a Company or local authority.	..	..	169, 170	..	..	113
Value of Irrigation Department lands made over to Railways.	..	..	176	..	..	115
Value of road lands made over to Railways.	..	..	178	..	..	116
Law charges incurred by Land Acquisition Officers	..	..	174,180	..	..	115-116
Advances—From Treasury how adjusted	..	..	104	..	..	90-91
Advertisement—Of sale of surplus land ..	..	..	145	..	27	103, 171
Agreement—						
To be entered into by Company requiring land.	41	..	10	..	1	16,45-46, 122-124
With persons interested in cases of temporary occupation.	35	..	91	..	..	14, 37-38
To recognize status of raiyats in cases of restoration.	..	..	113,146	..	..	94, 103-104
To continue to pay Government revenue on receipt of capitalized value.	..	..	85	..	..	84
Allowances—To special Land Acquisition Officers.	..	..	158	..	..	108
Amendment—Of award in what respects permissible.	.	..	63	..	..	73
Appeal—To High Court	54	..	..	..	..	19

Subject.	Law.		Instructions.			Page.
	Section of Act.	Number of Rule.	Paragraph.	Appendix.	Form.	
Application—						
For preliminary estimate and draft declaration.	..	..	12,13	..	..	47-48
For temporary occupation ..	..	..	87	..	..	85-86
For reference	18	..	76	..	..	8-9, 81-82
For payment of capitalised value of Government revenue.	..	..	85	..	..	84
Appointment—						
Of Land Acquisition Officers ..	3(*c*)	..	8,157	..	..	2, 45, 103
Of special judicial officer ..	3(*d*)	..	..	..	..	2
Of officer to hold enquiry on requisition of Company.	40(*2*)	..	..	..	..	16
Of officer to inspect working of mines	11 of Act XVIII of 1885.	..	..	..	..	28
Apportionment—						
Must be made unless reference is made under section 30.	11	..	59	..	..	6-7, 72
If disputed, reference may be made (under section 30) without making—.	30	..	59	..	..	12, 72
If disputed, person interested may require reference.	18	..	..	..	..	8-9
Between landlord and tenant ..	..	..	66, 67	..	..	74-76
Between joint proprietors ..	..	..	65	..	..	74
In the case of trees	..	..	69	..	..	77
Appropriate Government—						
Definition of—in Land Acquisition Act	3(*ee*)	..	..	..	..	2
Definition of—in Land Acquisition (Mines) Act.	16(*c*) of Act XVIII of 1885	..	..	..	..	30
Arable land—						
When possession may be taken before award is made.	17	..	109	..	..	7-8, 92
Definition of—	..	..	87, 109	..	..	85-86,92
Attendance—Of persons interested and of witnesses may be enforced.	14	..	..	..	..	7
Audit of payments—When land is acquired for an authority financially independent of Government.	..	..	169	..	..	113
Award—						
What to contain	11	..	..	..	..	6-7
When Collector of district is to be consulted before—is made.	..	..	57	V	..	70-71,197
To be made in all cases	..	..	59	..	..	72
In case of acquisition in a Municipal area, the Municipal authority to be made a party to the—	..	..	59	..	..	72
Form of—	..	..	60	..	13	72, 152-155
Amendment of—In what respects permissible.	..	..	63	..	..	73
Statements	..	..	64	..	..	45
Immediate notice of—to person interested when to be given.	12	..	..	..	..	7
Boundaries—						
To be marked out by requiring department after declaration.	...	..	39	..	..	62
Not always required in declaration ..	..	..	24	..	..	54
May be demarcated during preliminary investigation.	4	..	..	..	..	4
Of Railway land to be defined by Railway Officers.	..	..	154	..	..	107

Subject.	Law.		Instructions.			Page.
	Section of Act.	Number of Rule.	Paragraph.	Appendix.	Form.	
Buildings—						
Sites of Communications and Works Department—to be approved by Site Selection Committee.	..	..	7	IX	..	45, 198
Compensation for—	...	..	70, 71	..	..	77-79
Included in definition of land ..	3(*a*)	..	62	..	..	1, 73
Acquisition of part of— ..	49	..	76	..	..	18-19, 81-82
Procedure when there are—on land acquired for Railways.	..	..	111	..	..	93-94
Provisions for entry into—in the course of preliminary investigation.	4	..	..	..	..	4
Provisions for taking possession of—before award for certain Railway purposes.	17(*2*)	..	..	..	..	8
Capitalization of net annual profit ..	..	..	68	..	..	76-77
Capitalized value of Government Revenue *see* Abatement of Government Revenue).						
Case, Land Acquisition—Basis of constitution of—	..	..	54	..	..	67-68
Central Government—						
Procedure for acquisition of land for—	..	1A	..	..	..	33
Forms to be used for notification and declaration when land is acquired for—	..	1A	..	..	2A,3A,5A	33, 138, 140, 144-145
Procedure for excluding under ground mines or minerals from acquisition when land is acquired for the—	..	..	25	..	..	54-55
Certificate—						
Of acquisition to be furnished by Collector to requiring officer.	..	..	129	..	..	98-99
On draft declaration to be furnished by Collector that there is no objection to acquisition.	..	..	23	..	..	53-54
On preliminary estimate to be furnished by Collector.	..	..	22	..	..	53
Of possession to be obtained by Collector from Railway authorities.	..	..	112	..	21	94, 164
Changes in railway lands—						
To be reported to Government ..	..	..	136	..	..	100
Corrections in plans on account of—	..	..	152	..	..	107
Changes in non-railway lands	..	..	153	..	..	107
Charges (*See* Adjustments and Railways).						
Chaukidari chakran lands	..	..	73	..	..	79-80
Cheques—Rules relating to payment of compensation by—.	..	..	98, 103	..	..	89-90
Civil Procedure Code—						
Applicable "to proceedings before "Court."	53	..	..	..	..	19
Where otherwise applicable ..	14, 40(*3*)	..	..	..	..	7, 16
Claims	11, 25	..	58	..	..	6-7, 11, 71-72
Compact block of land—For projects of several departments.	..	..	30, 31	..	..	56-57
Company—						
Acquisition of land for— ..	38-44	..	..	..	..	15-17
Forms of agreement and deed of transfer to be executed by—	41	..	10	..	1,1A	16, 45-46, 122-127
Definition of—in Land Acquisition Act	3(*e*)	..	..	..	..	2
Definition of—in Land Acquisition (Mines) Act.	16(*b*) of Act XVIII of 1885.	..	..	..	..	30
In what circumstances declaration may be made that land is needed for a—.	6	..	..	..	..	5

Subject.	Law.		Instructions.			Page.
	Section of Act.	Number of Rule.	Paragraph.	Appendix.	Form.	
Company—*concld.*						
To be given opportunity to appear and contest claims.	..	..	53	..	..	66-67
To be furnished by Collector with a copy of notice of reference.	..	..	82	..	..	83
Compensation	23-25	..	..	..	..	10-11
Additional—	23(2)	..	61, 62	..	..	10, 72-73
Excess—when awarded by Court may be paid in anticipation of sanction.	..	..	102	..	..	90
—how to be assessed when 2 notifications published, one in form 2 and the other in form 3.	..	..	67A	..	..	76
For different classes of proprietors ..	..	..	65	..	..	74
For landlords' interests	..	..	66	..	..	74-75
For tenants' interests	..	..	67	..	..	75-76
For trees and crops	..	..	69, 91	..	..	77, 87-88
For huts	..	..	70	..	..	77
For masonry buildings	..	..	71	..	..	77-79
For tanks	..	..	72	..	..	79
For temporary occupation ..	..	..	91	..	..	87-88
For resumed chaukidari chakran lands	..	..	73	..	..	79-80
For unresumed service lands ..	..	..	74	..	..	80-81
For beds of navigable rivers ..	..	..	75	..	..	81
Payment of—(*see* Payment).						
Competence to recieve (*see* Payment).						
Contingent charges	..	..	180	..	..	116
Apportiontment of—	..	..	165	..	..	111-112
Control—Over Land Acquisition Officer ...	..	..	57	V	..	70-71, 197
Conveyance, need of—						
To be furnished by Collector to purchaser of relinquished land.	..	..	150	..	20	106, 173-174
Copy—						
Of award or agreement not chargeable with stamp duty to person claiming thereunder.	51	..	..	..	..	19
Of plan of land acquired to be furnished by Collector to requiring officer.	..	..	129	..	..	98-99
Of plans when required by local authorities or companies to be paid for by them.	..	..	133	..	..	99
Of settlement records when to be paid for.	..	..	39	..	..	62
Cost—						
Of service of notice in reference cases..	..	..	83	..	..	83
Decreed to Government ..	..	..	81	..	..	82-83
In reference cases	27	..	..	..	..	11
Crops	17(3), 23(1)	..	62, 69	..	..	8, 10, 73, 77
In cases of temporary occupation ..	..	..	91	..	..	87-88
Damage	23, 24	..	..	..	..	10-11
In connection with mines ..	7, 9, 10, Act XVIII of 1885.	..	..	..	..	27-28
During preliminary investigation ..	5	..	..	..	..	4
Of land occupied temporarily ..	36	..	..	..	..	14-15
Compensation for—on withdrawal from acquisition.	48	..	..	..	..	18
Declaration—						
Under what circumstances can legally be made.	6	..	..	..	..	5
Forms of—	..	..	23, 25	..	5, 5A, 6	53-55, 144-145
What to contain	..	..	24	..	..	54
Revised—	..	..	26	..	..	55
Procedure of Government before publication of—.	..	..	28	..	..	55-56

Subject.	Law.		Instructions.			Page.
	Section of Act.	Number of Rule.	Paragraph.	Appendix.	Form.	
Demarcation—						
To be made by requiring authority after acquisition.	..	..	131	..	..	99
By Railway authorities	..	..	154	..	..	107
Before acquisition	..	..	40, 41	..	..	62
Deposit—						
Of compensation in Civil Court ..	31(2)	9	..	..	..	12, 35
Of compensation as Revenue deposit	..	10	..	..	..	35
Compensation not to be placed in—without making endeavour to pay.	..	..	94	..	..	89
Of compensation in cases of temporary occupation.	..	..	88	..	..	86
District Board and Municipality—						
Chargeable with capitalized value of Government revenue abated.	..	..	172	..	..	113-114
To receive notice of date of enquiry ..	..	..	53	..	..	66-67
To receive notice of reference ..	..	..	82	..	..	83
To pay cost of certified plan ..	..	..	133	..	..	99
Encumbrances void on Collector's taking possession.	16	..	..	..	..	7
Enquiry	11	..	..	..	..	6-7
Method of conducting—	..	..	58	..	..	71-72
Adjournment of— ..	13	..	..	..	..	7
Not a judicial proceeding ..	..	..	57	..	..	70-71
About application by Company ..	40	..	..	..	..	15-16
Preparatory to revising rough preliminary estimate.	..	..	49	..	..	65
Entitled to Act—Definition of persons ..	3(g)	..	..	..	..	3
Establishment	..	..	166, 170	..	..	112-113
Debit of cost of—	..	..	172	..	..	113-114
Apportionment of charges for— ..	..	..	165	..	..	111-112
—charges payable by Central Government in certain cases.	..	..	172A	..	..	114
—charges not to be realised from private institutions in certain cases.	..	..	..	..	..	..
Standard scale of—	..	..	160	..	..	108-110
Duties of—	..	..	161	..	..	110
Security from members of— ..	..	..	162	..	..	110-111
Sanction for—	..	..	163	..	..	111
Extra field—	..	..	168	..	..	112
Contributions for leave and pension to be recovered when charges for—are recovered.	..	..	173	..	..	114-115
Special—for Survey forms part of costs of a case.	..	..	40	..	..	62
Estimate(s)—						
Responsibility for accuracy of preliminary—for Railway land.	..	..	21	..	..	53
Forms of preliminary—	..	..	20	..	4A	52-53, 142
Basis on which preliminary—to be prepared.	..	..	22	..	..	53
By whom to be countersigned ..	..	..	23	..	..	53-54
Procedure for sanctioning— ..	..	..	28	..	..	55-56
Revised—	..	..	50	..	..	65
Procedure for revision of— ..	..	..	51	..	..	65
Separate revised—for each mile in Railway projects.	..	..	52	..	..	66
Revised—on enhancement of award by Court.	..	..	102	..	..	90

Subject.	Law.		Instructions.			Page.
	Section of Act.	Number of Rule.	Paragraph.	Appendix.	Form.	
Final Reports	..	..	121	..	22, 23	96-97, 165-167
In temporary occupation cases ..	..	..	90, 122	..	..	87, 97
Special rules for Calcutta ..	..	..	123	..	24	97,168
Not to be delayed	..	..	125, 126	..	..	97-98
Forms and Stationery—Cost to be included in costs under section 50.	..	..	165	..	..	111-112
Funds—						
How drawn by Land Acquisition Officer who is a Public Works disburser.	..	..	9, 28	..	..	45, 55-56
Gift of land	..	..	5	..	..	44-45
Government—						
Land in which all interests are already vested in—cannot be acquired.	..	..	3	..	..	43-44
Land leased out by—on terms which provide for resumption for public purposes.	..	..	177	..	..	115-116
Guardians entitled to Act	3(*g*)	..	..	..	..	3
High Court—Appeal to—from award of Court.	54	..	..	..	..	19
Hindu widow—						
Limitation of competence of—to receive compensation.	3(*g*)	..	93	..	..	3, 88-89
House (*see* Buildings).						
Industrial concern—						
Acquisition of land for— ..	38A	..	10(*3*)	..	..	15, 46
Forms of agreements and deeds of transfer to be used for acquisition of land for—	..	..	..	..	1B, 1C	128-135
Inspection—						
Of Land Acquisition offices ..	..	..	183	..	..	117
Questions	..	..	184	..	..	117-121
Interest—						
On compensation	34	10	..	..	..	14, 35
Payable on excess amount awarded by Court.	28	..	..	..	..	11-12
Payable on value of service land which in replaced.	..	..	74	..	..	80-81
Investment of compensation money deposited in Court when to be made.	32, 33	..	..	..	..	13-14
Irrigation Department lands—Adjustment of value of—when made over to Railway.	..	..	176	..	..	115
Land—Definition of—	3(*a*)	..	..	..	..	1
Landlord's interests—Compensation for—	..	..	66	..	..	74-75
Land Registration Registers—Steps to be taken by Land Acquisition Officer for keeping—correct.	..	..	114-120	..	..	95-96
Law Charges—						
To be separately recorded for and charged to each project concerned.	..	..	165	..	..	111-112
May be met by Deputy Collector and will be admitted in contingent bills passed by Collector.	..	..	174	..	..	115

Subject.	Law.		Instructions.			Page.
	Section of Act.	Number of Rule.	Paragraph.	Appendix.	Form.	
Law charges—*concld.*						
Recovery of—in appeals in the High Court.	..	..	180	..	..	116
Payment of—how to be regulated and adjusted.	..	..	180	..	..	116
Leave allowance—						
Contribution for—recoverable with cost of establishment.	..	..	173	..	..	114-115
Contribution for—and pension not to be realised from private institutions in certain cases.	..	..	172B	..	..	114
Ledger account of projects	..	..	159	..	34	108, 180
Light Railway or Tramway—						
Scale of plans to be the same as those of Railway lands.	..	..	44	..	..	63
Special rules for preparation of plans of Railway lands do not apply to—.	..	..	44	..	..	63
Local Authority—						
Definition of—in Land Acquisition (Mines) Act.	16(*a*) of Act XVIII of 1885.	..	..	..	..	29
Liable by law to meet charges of and incidental to acquisition.	50(*1*)	..	..	..	..	19
Lotbundi Register	..	..	143	..	26	102-103, 170
Map—						
Settlement—, use of—by requiring officer.	..	..	18	..	..	49-50
And for acquisition	..	..	39	..	..	62
Market value	23(*1*)	..	..	..	..	10
Procedure for determination of—of land when two notifications published, one in form 2 and another in form 3.	..	..	67A	..	..	76
Measurement—						
Cost of—under section 8 payable by Collector.	..	..	175	..	..	115
Cost of—under section 4 payable by officer conducting preliminary investigation.	..	..	175	..	..	115
Extra field establishment for— ..	..	..	168	..	..	112
Mines—						
Acquisition of land overlying—how to be made.	3 of Act XVIII of 1885.	..	25	..	..	25-26, 54-55
Notice to be given before working—lying under acquired land.	4 of ditto.	..	..	..	..	26
Prevention or restriction of working of such—.	5 of ditto.	..	..	..	..	26
Compensation payable for injury to—.	9 of ditto.	..	..	..	..	28
Power to inspect	11 of ditto.	..	..	..	..	28-29
Possession under section 17 of the Land Acquisition Act not to be taken of lands believed to contain workable—.	..	..	109	..	..	92
Mortgagee is a person interested ..	10(*1*)	..	..	..	..	6
Municipality (*see* District Board).						

Subject.	Law.		Instructions.			Page.
	Section of Act.	Number of Rule.	Paragraph.	Appendix.	Form.	
Notice—						
A special notification to be served to the Wakf Commissioner, when Wakf property is acquired.	74 of Bengal Wakf Act, 1934.	..	53A	..	..	67
Of award to whom to be given and when.	12(2)	10	..	..	15	7, 35, 158
Before taking possession under section 17.	17	..	109	..	..	7-8, 92
Before preliminary investigation ..	4(1)	..	..	..	..	4
Before entering a building during preliminary investigation.	4(2)	..	..	..	..	4
Before taking possession of houses ..	..	..	106	..	..	91
Of enquiry to persons interested ..	9	..	53	..	8-9	66-67, 147-148
Of enquiry to requiring authority ..	..	..	53	..	..	66-67
Of local enquiry	..	..	58	..	..	71-72
To persons interested in land to be temporarily occupied.	..	..	88	..	18	86, 162
Of date of hearing reference to be given by Court.	20	..	..	..	..	9
And by Collector to Company or local authority.	..	..	82	..	..	83
Of intention to work mines ..	4 of Act XVIII of 1885.	..	..	..	..	26
Of sale of relinquished lands ..	..	..	145	..	27	103, 171
How to be served	45	..	..	..	..	17
Of suit	52	...	..	..	..	19
Of proposed temporary occupation ..	35(2)	..	88	..	..	14, 86
Notification—						
Of preliminary investigation	4	..	15, 16	..	2,2A,3,3A	4, 48, 138-140
Cancellation of preliminary—in Form F	..	..	16A	..	..	49
Objection—						
To award entitles person interested to reference to Court.	18	..	..	..	..	8-9
Obstruction—						
To acquisition how punishable ..	46	..	..	..	..	17
To taking of possession	47	..	..	..	..	18
To inspection of mines	12 of Act XVIII of 1885.	..	..	..	..	29
Orchard—Not liable to possession being taken under section 17.	..	..	109	..	..	92
Order sheets—In land acquisition cases ..	..	..	56	..	..	69-70
Payment—						
Rules for—	..	..	103, 104	..	..	90-91
Conditions under which—can be made	31	..	92	..	..	12-13, 88
Competence to receive ..	3(g)	..	93	..	..	3, 88-89
Into Treasury on Revenue deposit ..	..	10	94	..	..	35, 89
Form of notice on paying as Revenue deposit.	..	..	..	..	20	164
Identification on—	..	..	95	..	..	89
In cash	..	..	96	..	..	89
By money order	..	..	97	..	..	89
By cheque	..	..	98	..	..	89
Delay in making—to be avoided ..	..	..	99	..	..	89-90
In anticipation of sanction of excess compensation awarded by Court.	..	..	102	..	..	90
Of Compensation when interest provided for in sanctioned estimate falls short.	..	..	51A	..	..	66
Pension allowance (*see* Leave allowance).						
Person interested— ..	3(b)	..	..	..	...	1
Definition of—						
A Municipal authority to be treated as a— in respect of any acquisition within the municipal area.	..	..	53	..	..	66-67

Subject.	Law.		Instructions.			Page.
	Section of Act.	Number of Rule.	Paragraph.	Appendix.	Form.	
Plans—						
Preliminary—prepared during preliminary investigation to be sent to Collector.	..	..	17	..	..	49
Of land required by Department or Company.	..	..	32	..	..	57
Of land required by Railway ..	..	..	33, 34	..	..	58, 59
Separate—for each mile of Railway ..	..	..	35	..	..	61
What to contain	..	..	35	..	..	61
Separate—for each district ..	..	..	36	..	..	61
Use of settlement maps as— ..	..	..	39	..	..	62
Materials for—	..	..	42	..	..	63
Scale of land acquisition—in non-railway projects.	..	..	43	..	..	63
Scale of land acquisition—in Railway projects.	..	..	44	..	..	63
What to contain	..	..	45, 46	..	..	63, 64
Verification of—	..	..	48	..	..	64
What—to accompany final reports ..	..	..	121	..	..	96-97
Certified copies of—to be supplied to requiring department.	..	..	129	..	..	98-99
Certified—in Railway cases ..	..	..	130	..	..	99
Certified—for Register 6	..	..	134	..	..	99-100
Original—to to be kept in Collectorate Record-room.	..	..	132	..	..	99
Amendment of—on relinquishment of Railway lands.	..	..	140	..	..	102
Verified—of relinquished land ..	..	..	143	..	..	102-103
Treatment of—on disposal of relinquished land.	..	..	151	..	..	107
Maintenance of Railway land— ..	..	..	152	..	..	107
Maintenance of non-railway land— ..	..	..	153	..	..	107
Possession—						
By requiring department before delivery by Collector, illegal.	..	..	105	..	..	91
Convenience of public to be considered in taking—.	..	..	106	..	..	91
When to be postponed	..	..	108	..	..	91
Government cannot withdraw from acquisition after taking—	48	..	113	..	..	18, 94
Under section 17. Necessary conditions precedent to—.	17	..	109	..	..	7-8, 92
Attention to be paid to requirements of Railway officers in order to taking—.	..	..	110	..	..	92-93
Procedure regarding trees, buildings, etc., on land of which—is being delivered to Railway requiring land free of cost.	..	..	111	..	..	93-94
May not be taken pending decision of a difference as to whether any land forms part of a house.	49	..	..	..	..	18-19
Certificate of—to be obtained from Railway authorities.	..	..	112	..	..	94
Of land required for temporary occupation. Necessary conditions precedent to—.	36(*1*)	..	..	..	..	14-15
Preliminary Investigation	4	..	15-17	..	..	4, 48-49
Form of notification for— ..	..	..	..	..	2,2A,3,3A	138-140
Private bargain—Obtaining land by—not permissible without sanction of Government.	..	..	4	..	..	44
Private institutions—Establishment and contingent charges, leave and pension contributions and capitalised value of land revenue not to be realised from a—in certain cases.	..	..	172B	..	..	114
Procedure to be followed when a local body acquiries land for a—.	..	..	10A	..	1D	46-47, 136-137
Process Fees—in reference cases ..	..	..	83	..	..	83
Profit—Capitalization of net annual—explained.	..	..	68	..	..	76-77
Proprietors—Interests of—to be distinguished according to their status.	..	..	65	..	..	74

Subject.	Law.		Instructions.			Page.
	Section of Act.	Number of Rule.	Paragraph.	Appendix.	Form.	
Public Works Department—						
When cost of land is to be shown in accounts of—Executive Engineer will apply to Collector for preliminary estimate and draft declaration.	..	..	12	..	..	47
Land acquired for—possession to be delivered to Executive Engineer.	..	..	105	..	..	91
Circular prescribing Site Selection Committee.	..	..	..	IX	..	198
Questions for Inspection	..	..	184	..	..	117-121
Raiyats' Interests	..	..	67	..	..	75-76
Receipts—For money placed in Revenue deposit.	..	10	..	..	..	35
Reference—						
On application of person interested ..	18	..	76	..	..	8-9, 81-82
By Collector of his own motion ..	30	..	76	..	..	12, 81-82
On difference as to compensation for temporary occupation.	35	..	76	..	..	14, 81-82
On difference as to condition of land at end of temporary occupation.	37	..	76	..	..	15, 81-82
On difference as to whether any land forms part of a house.	49	..	76	..	..	18-19, 81-82
Application for—under section 18 cannot be withheld unless barred by proviso to section 18 or second proviso to section 31.	..	..	77	..	..	82
To be made separately for each separate award.	..	..	79	..	..	82
Form of—	19	..	80	..	16, 17	9, 82, 159
Duties of Collector to defend—case	..	..	81	..	..	82-83
Notice of—to be sent by Court to Collector.	20	..	..	..	..	9
And by Collector to requiring authority concerned.	..	..	82	..	..	83
Cost of service of notice relating to—	..	..	83	..	..	83
Disposal of—to be expedited ..	..	..	76	..	..	81-82
Register—						
Of applications for estimates ..	..	..	12	..	4	47, 141
Of cases	..	..	55	..	11	68-69, 150-151
Lotbundi—	..	..	143	..	26	102-103, 170
Of villages in which resumed chaukidari chakran land is acquired.	..	..	73	..	15A	79-80, 158
Of lands in occupation of State Railways.	..	..	151	..	31	107, 176
Of lands in occupation of Railway Companies.	..	..	151	..	33	107, 178-179
Register 6 of the Collectorate,—Copies of plans when required for—.	..	..	134	..	..	99-100
Of land Registration Department (*see* Land Registration Registers).						
Relinquishment—						
Surplus lands to be relinquished ..	..	..	135	..	..	100
Classification for purposes of—of land not immediately required.	..	..	137, 138	..	..	100-102
Verification of land to be relinquished	..	..	140	..	..	102
Classification of relinquished lands for purposes of disposal.	..	..	142	..	..	102
Preparation for sale of relinquished lands.	..	..	143	..	.	102-103
Advertisement of sale	..	..	145	..	..	103

Subject.	Law.		Instructions.			Page.
	Section of Act.	Number of Rule.	Paragraph.	Appendix.	Form.	
Relinquishment—*concld.*						
Relinquished lands when to be restored to former owners.	..	..	146	..	..	103-104
Sale of relinquished lands. ..	..	..	147, 148, 150.	..	..	104, 105, 106
Rent—						
Collector may call for statement of—for the purpose of valuation.	10	..	..	..	..	6
To be considered in preparing preliminary estimate.	..	..	22	..	..	53
And in preparing revised estimate ..	..	..	49	..	..	65
In preparing award for landlord's interest.	..	..	66, 68	..	..	74-75, 76-77
Realized from surplus lands in charge of Revenue Department to be credited as Land Revenue.	..	..	137(*iii*)	..	..	101
Requisition under section 10—Form of—	..	..	..	..	10	148
Restoration—						
Of land temporarily occupied, compulsory on expiration of term, unless permanently acquired.	36	..	90(2)	..	..	14-15, 87
Of relinquished land to former owners	..	..	146	..	..	103-104
Resumption—Of Government land (*see* also Relinquishement).	..	..	177	..	..	115-116
Returns—						
Quarterly—XVIII of progress in acquiring land.	..	..	181	..	35	116-117, 181-183
Quarterly—XVIII(*a*) of progress in temporary occupation.	..	..	181	..	36	116-117, 184-185
Annual—XVIII(*b*) of progress made by officers employed solely on land acquisition work.	..	..	181	..	37	116-117, 186-187
To be submitted by Calcutta Land Acquisition Officers in special forms for cases of Improvement Trust.	..	..	182	..	8, 39, 40	117, 147, 189-192
Revenue—						
Abatement of—(*see* Abatement of Government Revenue).						
Nature of—to be considered in calculating compensation for proprietors.	..	..	65	..	..	74
Whether land is revenue-paying or revenue-free to be decided by Collector before making award.	..	7	..	..	..	84
When land is restored if abated, to be re-assessed.	..	..	146	..	..	103-104
Relinquished lands when sold, to be assessed to unless of very small area.	..	..	147	..	..	104-105
Revenue Deposit (*see* Payment).						
Revised Estimates (*see* Estimates).						
Rights—Of public extinguished by acquisition.	16	..	107	..	..	7, 91
River—Beds of navigable—(*see* Compensation).						
Road—Adjustment of value of—land made over to Railways.	..	..	178	..	..	116
Road-cess—papers to be consulted in making estimate.	..	..	22	..	..	53
Sale—						
(*See* Relinquishment and Valuation).						
Proceeds of relinquished lands, how to be credited.	..	..	149	..	..	105-106
Scale (*see* Plans).						
Schedules—						
Of land to be acquired permanently and temporarily to be furnished by Railways.	..	..	33	..	..	58

Subject.	Law.		Instructions.			Page.
	Section of Act.	Number of Rule.	Paragraph	Appendix	Form.	
Schedules—*concld.*						
Of land under classes A, B, C and D to be furnished by Railways.	..	..	34	..	..	59-60
To be prepared by Collector ..	..	..	47	..	7	64, 146,
Of Railway land about to be relinquished.	..	..	143	..	..	102-103
Of Railway land relinquished ..	..	..	151	..	30,32	107, 175, 177
Security—of Establishment	..	..	162	..	..	110-111
Service lands	..	..	74	..	..	80-81
Severance	23(*1*)	..	..	..	..	10
Siding—outside Railway boundaries ..	..	..	11	..	..	47
Site Selection Committee	..	..	7	IX	..	45, 198
Society—						
A—registered under the Societies Registration Act, 1860, is a Company.	3(*e*)	..	..	..	..	2
Two tests to be satisfied in case of acquisition of land for a—	..	..	10A	..	..	46-47
Stamp duty—						
Not chargeable on award or agreement	51	..	..	..	..	19
Chargeable to local authority or Company for certified copy of plan.	..	..	133	..	..	99
Statement—						
Quarterly—of abatements of revenue	..	..	86	..	19	84-85, 163
18D for Land Registration Department	..	..	115	..	..	95
Award—	..	..	64	..	..	73
Subsidiary award—	..	..	64	..	..	73
Of area and expenditure accompanying final report.	..	..	121	..	23	96-97, 166-167
Of land acquired but disposed of previous to submission of final report.	..	..	121	..	25	96-97, 169
Quarterly—of sales of Railway lands ..	..	..	148	..	28	105, 172
Surplus land (*see* Relinquishment).						
Survey—						
During preliminary investigation ..	4	..	17, 19	..	..	4, 49-50
After order for acquisition ..	8	..	39, 48	..	..	5-6, 62, 64-65
Tanks—Compensation for— ..	..	..	72	..	..	79
Temporary occupation—						
Agreement with persons interested ..	35	..	91	..	..	14, 87-88
Application for—and preliminary procedure.	..	..	87, 89	..	..	85-87
Arable or waste land only can be temporarily occupied.	35	..	87	..	..	14, 85-86
Damage done to land on—to be compensated on restoration.	36	..	..	..	..	14-15
Final report in cases of— ..	..	..	90(*1*), 122	..	..	87, 97
Field boundaries to be shown in plan of land required for—	..	..	89	..	..	86-87
Period of—limited to 3 years ..	35	..	90(*2*)	..	..	14, 87
Principles of compensation for— ..	..	..	91	..	..	87-88
Procedure for—when parties do not appear.	..	..	88	..	..	86
Reference must be made when Collector and persons interested differ about condition of land on restoration or about compensation.	35, 37	..	76	..	..	14-15, 81-82

Subject.	Law.		Instructions.			Page.
	Section of Act.	Number of Rule.	Paragraph.	Appendix.	Form.	
Temporary occupation—*concld.*						
Restoration of land after 3 years obligatory, unless permanently acquired.	36	..	90(2)	..	..	14-15, 87
Tenants' interests—Compensation for—	..	..	67	..	..	75-76
Transfer—						
Of Government land to a Railway ..	..	..	177	..	..	115-116
Of Government land to a department of Government.	..	..	177	..	..	115-116
Fees of or sale of occupancy holdings how to be dealt with in estimating landlords' compensation.	..	..	66	..	..	74-75
Trees—						
Compensation for—	..	..	69, 91	..	..	77, 87-88
On land made over free of cost to Railways	..	..	111	..	..	93-94
Valuation—						
Materials to be used for— ..	..	..	22, 49	..	..	53, 65
Principles of—(*see* Compensation).						
Voucher (*see* Receipt).						
Wakf—						
When any wakf property is acquired, a special notice to be served to the Commissioner of Wakfs.	74 of Bengal wakf act, 1934.	..	53A	..	..	67
Wards, Court of—						
Has no power to make a free gift of land belonging to a ward.	..	..	5	..	..	44-45
Has delegated to Collector power to decide whether to apply for reference.	..	..	78	..	..	82
Withdrawal from acquisition—						
May be made at any time before possession is taken.	48	..	108	..	..	18, 91
Reasonable costs payable on—to persons interested.	48	..	113	..	..	18, 94
In place of withdrawal, land may be restored by consent after possession taken.	..	..	113	..	..	94
Witnesses—Attendance of—	14, 40 (3)	..	..	..	..	7, 16

List of Subsequent Corrections.

Number of slip.	Date and number of circular.	Pages in which corrections are noted.
1	2	3